



L A W S

OF THE

STATE OF ILLINOIS,

PASSED BY THE

SEVENTEENTH GENERAL ASSEMBLY,

AT ITS

SECOND SESSION,

COMMENCING JUNE 7, 1852.

SPRINGFIELD:
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1852.

LAWS OF ILLINOIS.

AN ACT supplemental to an act entitled "An act to incorporate the Northern Cross Railroad Company," approved February 10, 1849. In force June 14, 1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the Northern Cross Railroad company shall have power to borrow money, on the credit of the corporation, not exceeding its authorized capital stock, at a rate of interest not exceeding ten per cent. per annum, payable semi-annually, and may execute bonds therefor, with interest coupons thereto annexed, and secure the payment of the same by mortgage or deed of trust on the whole or any part of the road, property and income of the company then existing or thereafter to be acquired, and may annex to such mortgage bonds the privilege of converting the same into the capital stock of the company, at par, at the option of such holders, if such election be signified, in writing, to the company three years before the maturity of said bonds.

Power to borrow money.

§ 2. That the directors of said company be and they are hereby authorized to negotiate and sell the bonds of said company at such times and at such places, either within or without this state, and at such rates and for such prices as in their opinion will best advance the interests of the company. And if such bonds are thus negotiated or sold at a discount below their par value, such sale and disposition thereof shall be as valid and binding on the company in every respect as if they were sold or disposed of at their par value.

Sale of bonds.

§ 3. That the said company, in securing the payment of the said bonds by a mortgage or deed of trust on the road, property and income of the company, shall have power to execute a mortgage or deed of trust aforesaid, to secure the

Security for loan

payment of the full amount of bonds which the company may, at the time said deed of trust or mortgage bears date, or at any time thereafter, desire to sell and dispose of, and may execute and sell, from time to time, such amounts of said bonds, and of such dates, and payable to such person or persons as to the directors of said company may seem advisable, till the whole amount of bonds mentioned in such mortgage or deed of trust is executed and sold; and the said mortgage or deed of trust shall be as valid and effectual to secure the payment of the bonds so executed and sold, and of every part thereof, as if the same and every part thereof had been executed of even date with the said deed of trust or mortgage.

APPROVED June 11, 1852.

In force June 11, 1852. AN ACT to amend the charter of the Illinois and Mississippi Telegraph company.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the board of directors of the Illinois and Mississippi Telegraph company are hereby vested with power to levy, from time to time, assessments upon the capital stock of said company, of such amount as may be sufficient, in the opinion of said board of directors, to pay the debts and liabilities of said company, and to repair and reconstruct the lines of telegraph belonging to said company, and to keep and maintain the same in good working order.

Assessments on capital stock.

Manner of assessment.

§ 2. That said assessments shall be levied by order of the board of directors, which shall specify the amount of the assessments levied upon each share of the capital stock; and all assessments shall be equal and uniform, so that each share of said stock shall be assessed to the same amount.

Publication of notice.

§ 3. After any order shall have been passed by the said board of directors levying any such assessment, notice thereof shall be given to the stockholders of said company by publication for twenty days in some newspaper printed in each county in the state within which the said company shall have a telegraph station, if there be any newspaper printed in said county; and it shall be the duty of the publishers of such papers to file certificates of said publications with the secretary of said company, which certificates shall be evidence of such publication in all places, should such publication ever be called in question; and a certificate from the secretary of said company that any publications

have been made, as by this act required, shall be *prima facie* evidence thereof in all courts and places whatever.

§ 4. If payment of any assessment upon any share or shares of said stock shall not be made to the treasurer of said company, within the time limited by the order of the said board of directors levying such assessments, which shall not be less than thirty days from the time of the passage of such order, it shall be competent for the said board of directors, and they are hereby vested with full power, to declare any and all stock of said company upon which any assessment shall not have been paid, to be forfeited to said company, and the said stock shall be and the same is hereby declared to be forfeited and cancelled.

§ 5. In case the said board of directors shall not think it advisable to proceed, by their own order, to declare such stock forfeited upon which any such assessment shall not have been paid, it shall be competent for said company to apply to the court of chancery in any county in this state within which the said company shall have a telegraph station, by petition, setting forth the order of the board of directors levying such assessment, the fact of publication of notice of said assessment as required by this act, and the non-payment of said assessment, describing the stock by its numbers, and praying the said court to decree that the said non-paying stock be forfeited to said company, and that the same be cancelled; or the prayer of the said petition may be that the said court may order the said non-paying stock to be sold by the treasurer of said company to the highest bidder, and the said company is hereby authorized to bid at such sale upon the share or shares offered the amount of the said assessment and no more; and in case the same shall be sold to said company, the same shall be cancelled, but in case any person shall pay more for said stock than the amount of the assessment, it shall be the duty of the secretary of said company to issue a certificate of stock to the purchaser, and the original certificate or certificates of the stock thus sold shall be and the same is hereby declared to be cancelled and void, and the amount paid for said stock over the amount of the assessment shall be paid over to the owners of said stock.

§ 6. The said court of chancery is hereby vested with jurisdiction to grant the relief which may be prayed for in said petition, according to the provisions of the preceding section; and the said court of chancery is hereby declared to be always open for the purpose of exercising said jurisdiction and to make any order or decree in relation thereto.

§ 7. Notice of the pendency of said petition shall be published for at least two weeks in some newspaper published in the county where such petition shall be filed, and

a copy of such notice shall be filed with the secretary of said company, certified by the publisher.

Certificate of secretary and treasurer.

§ 8. The official certificate of the secretary and treasurer of said company shall be *prima facie* evidence of the non-payment of any such assessment.

Transaction of business by telegraph.

§ 9. The said board of directors may transact business without assembling together in open meeting, by means either of telegraphic or written communications, and the votes of directors may in this way be given and ascertained, and any order, by-law, or resolution, in favor of which a majority of the directors shall vote, by forwarding their votes to the president or secretary of said company, either by telegraph or written communication, shall be entered of record by the secretary of said company, and shall be valid and binding to all intents and purposes.

Power of directors.

§ 10. The said board of directors is hereby authorized and empowered to adopt and pass all orders, resolutions and by-laws, which the interests and well being, good order and management of the affairs of the said company may require, not inconsistent with the laws and constitution either of this state or of the United States, and with a view, as far as possible, to the stability, continuance and regular working of said telegraph, or as much thereof as it is practicable for said company to maintain and support, in the opinion of the said board of directors, and may vest in their subordinate officers all necessary powers therefor.

Divisions of line.

§ 11. The said board of directors is hereby authorized and empowered to divide their lines of telegraph into such divisions as may be deemed convenient and proper, and may provide for the separate government and management, in whole or in part, of such divisions, and may separate the financial interests and liabilities of each division from the others. Any debt or liability contracted or incurred by the officers or governmental authority of one division, for or on account of that division, shall only create a special liability against said company, so as only to subject the property, assets, resources and funds of such division to the payment thereof.

Liabilities.

Service of process.

§ 12. All process to or against said company shall be served by reading to or leaving a copy thereof with the president or secretary of said company.

Penalty for injuries.

§ 13. It shall be unlawful for any person to fasten any boat or vessel to the posts or poles of said lines of telegraph, or to check the progress of any boat or vessel by means thereof. Any person who shall do so, or cause the same to be done, to the injury of the said lines of telegraph, shall be liable to the same punishment and may be prosecuted in the same way as is provided in section seven of an act entitled "An act for the establishment of telegraphs," approved February 9th, 1849, and shall, moreover, be liable to pay to

said company three times the damage which such injury may cause, which may be recovered before a justice of the peace or circuit court of the proper county.

§ 14. A certified copy, by the secretary of said company, of any order, by-law or resolution passed or adopted by the board of directors of said company, shall be evidence of the due passage or adoption thereof in all courts and places whatever. Certified copies to be evidence.

§ 15. This act to take effect and be in force from and after its passage.

APPROVED June 14, 1852.

AN ACT to enable the city of Rock Island to levy and collect a special tax. In force June 14, 1852.

Whereas the city of Rock Island has become a subscriber to the capital stock of the Chicago and Rock Island Railroad company to the amount of fifty thousand dollars, and has issued her bonds, bearing interest at the rate of ten per centum per annum, payable semi-annually, for the purpose of raising that sum of money; now, therefore, for the purpose of enabling the said city to meet the payment of interest upon said bonds as the same shall fall due, Preamble.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the city council of the city of Rock Island be and they are hereby authorized and required, from year to year, to levy and collect, in like manner as nearly as may be as other city taxes are levied and collected, a special tax, for the purpose of paying the interest on said bonds. Special interest tax.

§ 2. Said tax shall be levied according to the valuation of property for ordinary taxes of each year respectively, and in case no valuation for ordinary taxation should be made for any year, then a special valuation shall be made for the purposes of this act. Mode of assessment.

§ 3. The time at which said special tax shall be collected shall be subject to the control of said city council, and may be made annually or semi-annually, as shall be deemed expedient; but said tax shall always be collected in time to meet the semi-annual payment of interest on said bonds in New York. Time of assessment.

§ 4. This act shall take effect on its passage.

APPROVED June 14, 1852.

in force June 15, 1852. AN ACT to amend the charter of the Ottawa Northern Plank Road company; to authorize said company to borrow money and secure the payment thereof, and to increase the capital stock.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the Ottawa Northern Plank Road company, organized under an act entitled "An act for the construction of plank roads by a general law," approved February 12, 1849, and the amendments thereto, be and hereby is authorized to borrow money for the purpose of constructing and operating said road; and to that end, said company is hereby authorized to mortgage said road, or any part thereof, and its revenues, by a deed of mortgage, executed by its president by order of its board of directors. Said company are also authorized to appropriate and set apart, by contract, covenant, or otherwise, for the purpose of providing for and effecting the payment of any such loan, the tolls of said road or any part thereof.

§ 2. Said company may increase its capital stock to any amount not exceeding twenty-five thousand dollars.

This act to be in force from and after its passage.

APPROVED June 15, 1852.

in force June 15, 1852. AN ACT amendatory of and supplementary to an act entitled "An act to incorporate the town of Little Fort, Lake county, Illinois."

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That hereafter all deeds of conveyance or other instruments of writing, wherein the name of the town is required to be used, the name of "Waukegan" shall be substituted for the name of "Little Fort."

§ 2. That the figures "44," in the second section of the above recited act, be read and construed to mean "forty-five," and the name "Waukegan" added after the word "of," at the end of said section 2.

§ 3. That the word "hogs" be inserted between the words "restrain" and "cattle," in section 12 of said act.

§ 4. That section 13 of said act be amended so as to read as follows: "Upon the application of the owners of two-thirds of the real estate upon any street or in any block or blocks or half blocks, non-resident proprietors being counted as applicants, it shall be lawful for the board of trustees to pass an ordinance requiring the owners of lots bounding upon such street, or situate in such block, blocks or half blocks, to construct a side walk in front of their re-

spective lots, in such manner, of such materials, and within such time, as shall be specified in such ordinance; and the said board shall provide in such ordinance for the payment to the owners of such real estate, upon completion of such side walk, any sum not exceeding one-fourth of the cost thereof: *Provided*, that if any owner has heretofore failed or shall hereafter fail to construct such side walks, or to repair the same when ordered by the board so to do, the board of trustees shall have power to sell such real estate at public sale for the cost thereof, including all expenses caused thereby, upon giving twenty days' notice of said sale in some newspaper printed in said town, or by posting notices in three public places within the corporation; and in case of sale as aforesaid the said real estate may be redeemed in the manner prescribed in section 17 of said act for the redemption of lands sold for taxes.

§ 5. The board of trustees shall have power to order any side walk within the corporation to be so altered that the same shall be on the level of the grade established by the city surveyor. If any owner of real estate, in front of which such alteration has been or shall be ordered, shall fail to comply with such order, the said board shall have power to sell such real estate for the costs of such alteration and sale, in the manner provided in the foregoing section.

§ 6. To enable the board of trustees to carry out effectually the provisions enumerated in section 12, in relation to a fire department, the said board shall have power to levy and collect a special tax annually, if necessary, upon all real and personal estate within the corporation, not to exceed fifty cents on the one hundred dollars valuation for the first and second years, to wit, 1852 and 1853, and for subsequent years not more than twenty five cents on said valuation; which said tax shall be assessed and collected in the same manner as other corporation taxes are authorized to be assessed and collected.

§ 7. All lots or parcels of land adjoining and not embraced within the present limits of the corporation, which have been or that shall hereafter be laid out into town lots or building lots, or parcels of the size of town lots or building lots, or offered for sale as such, shall, by an order of the board of trustees, to be entered upon their minutes, be deemed and taken to be a part of said incorporated town, and subject to the laws of this state and the rules and orders regulating the proceedings of said board, as fully, in all respects and to all intents and purposes, as if the same had been included within the original boundaries of said town, and shall be annexed to and form part of the ward or wards to which said lots are contiguous; and the said board shall cause a copy of such order, certified by the clerk of the board, to be filed in the office of the recorder of the county

of Lake, who shall transcribe the same upon the records of said county.

Power to borrow money.

§ 8. To pay off the debt now existing upon the "Waukegan Cemetery," the board of trustees of said town shall have power to borrow any sum necessary for that purpose, not exceeding eight hundred dollars.

This act to be in force from and after its passage.

APPROVED June 15, 1852.

In force June 15, 1852.

AN ACT supplementary to an act entitled "An act to incorporate the Kankakee and Iroquois Navigation and Manufacturing company," approved February fifteenth, one thousand eight hundred and forty-seven; also, additional to an act entitled "An act authorizing the towns of Wilmington and Reed, and other towns, to raise a tax for the improvement of the Kankakee river, and for building a bridge across said river," approved February fifteenth, one thousand eight hundred and fifty-one.

Preamble.

Whereas, by force of the act last above named, the town of Wilmington only voted to raise the tax contemplated in and by said act; and whereas, in order to make said tax available for the purposes intended, it has become necessary to raise by taxation a further sum of three thousand dollars to complete the improvement of said Kankakee river to said Wilmington; and whereas, more than five-sixths of all the legal voters of said Wilmington, together with some of the non-resident real estate owners, have united in a petition for that purpose; therefore,

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That it shall be lawful for the proper officers, and it shall be their duty, to levy and collect for each of the years eighteen hundred and fifty-five and eighteen hundred and fifty-six, the sum of fifteen hundred dollars, with such lawful interest as shall have accrued thereon, to be levied as is provided in and by the act to which this is additional.

Power to levy tax.

§ 2. And it shall be the duty of the collector of the said town of Wilmington to pay over to the treasurer of the Kankakee and Iroquois Navigation and Manufacturing company the moneys authorized to be levied and collected by this act, to be by said company laid out and expended as is provided in and by the act to which this is additional.

Duty of collector to pay over.

§ 3. The Kankakee and Iroquois Navigation and Manufacturing company, on receiving the moneys collected as aforesaid, shall be subject to all the duties and possess all the powers prescribed in the act to which this is supplementary and additional.

Duties and powers of company.

APPROVED June 15, 1852.

AN ACT in aid of the Canton and Liverpool Plank Road company, organized under the general law. In force June 15, 1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the Canton and Liverpool Plank Road company, for the purpose of completing and extending their said road, be and they are hereby authorized to increase their capital stock to any amount not exceeding one hundred thousand dollars, and to extend their said road, under the same rights and privileges, restraints and liabilities, as is now provided by the laws of this state, across the Illinois Bottom, opposite Liverpool, from the river to the bluff, in Mason county, and from Canton westwardly in such direction as they may deem proper, and to any distance not exceeding forty miles. And it shall be lawful for said company to take and own stock in any other company organized under any general law for the construction of a plank road, which may connect with or form a branch of their said road, or such as in their opinion will advance the interests of said company.

Power to increase capital stock.

To own stock in other companies

§ 2. It shall be lawful for said company, by their secretary, to amend their articles of association filed by said company in the office of the secretary of state, so as to obtain the benefit of this act.

Amendment of articles of association.

This act is hereby declared a public act, and shall be in force from and after its passage.

APPROVED June 15, 1852.

AN ACT to authorize the board of supervisors of Cook county to borrow further sums of money for the use of said county. In force June 15, 1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the board of supervisors of the county of Cook, and their successors in office, be and they are hereby authorized and empowered to borrow, upon the faith and pledge of said county, in addition to the sum or sums which they have been heretofore by law authorized and empowered to borrow, such further necessary sum or sums of money, for such term of time, and at such rate of interest, and payable at such place or places as they may deem expedient, not exceeding sixty thousand dollars, and to issue bonds or scrip therefor, under the seal of the county court of said county, signed by the chairman of said board of supervisors, or by his successor in office, and countersigned by the clerk of said board or his successor in office: *Provided*, that whenever any money shall be borrowed under the authority of this act, the time

Power to borrow money.

Proviso.

Application of
money.

Pledge of reve-
nue.

Assessment of
tax to pay inter-
est.

Made of assess-
ment.

for the repayment of the same shall be so fixed that not more than five thousand dollars of such principal money shall fall due in any one year. All sum or sums of money borrowed under the authority of this act shall be applied by the board of supervisors or their successors in office, for the use and benefit of said county, either in the erection, purchase or improvement of public buildings in and for said county, or for such other county purposes as said board of supervisors may from time to time think expedient. The said board of supervisors, or their successors in office, are hereby authorized to pledge the revenue accruing to said county to secure the repayment of any sum or sums of money so borrowed as aforesaid, and the interest thereof.

§ 2. The board of supervisors of said county, or their successors in office, are hereby authorized and required to levy and collect a special tax upon all the taxable property in the county of Cook, sufficient to pay the accruing interest, annually or semi-annually, on any sum or sums they may have borrowed under the authority of this act, and to repay the principal when and as it may become due, at such rate, not exceeding five thousand dollars in any one year, as they may think proper. Said taxes shall be levied and collected at the same time and in the same manner that other county taxes are levied and collected; and when collected shall be applied by said board of supervisors, or their successors in office, to the payment of the interest and the repayment of the principal of the money borrowed under the authority of this act, and to no other use or purpose whatsoever, until the whole of the money so borrowed is paid up in full. And the persons loaning money to said county as aforesaid are to be in no way responsible for the faithful application or use of the money thus borrowed.

This act shall take effect and be in force from and after its passage.

APPROVED June 15, 1852.

In force June 15, AN ACT to amend an act entitled "An act to incorporate the Chicago City Hydraulic company."

Power to loan ad-
ditional money.

Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the commissioners named in "An act to incorporate the Chicago City Hydraulic company," approved February 15, 1851, and their successors in office, be and they are hereby authorized and empowered to loan, from time to time, as they shall deem expedient, in addition to the sum named in the said act, the

sum of one hundred and fifty thousand dollars, in the same manner and upon the same terms, conditions, guarantees and securities named in the said act; and this act to be an amendment to and form a part of the said act to incorporate the Chicago City Hydraulic company herein mentioned: *Provided*, that no higher rate of interest than seven per centum per annum shall be paid for any such loan made by authority of this act.

Proviso.

APPROVED June 15, 1852.

AN ACT to establish nine congressional districts, and to provide for the election of representatives to the congress of the United States, under the census of the year one thousand eight hundred and fifty. In force August 22, 1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That for the purpose of electing nine representatives to the house of representatives of the congress of the United States, to which number the state of Illinois is entitled under the census taken by the authority of the government of the United States for the year one thousand eight hundred and fifty, the following districts shall be and are hereby established, to be styled and known as districts numbered first, second, third, fourth, fifth, sixth, seventh, eighth, and ninth. Districts established.

§ 2. The first district shall be composed of the counties of Lake, McHenry, Boone, Winnebago, Stephenson, Jo Daviess, Carroll and Ogle. First district.

§ 3. The second district, of the counties of Cook, Du Page, Kane, De Kalb, Lee, Whiteside and Rock Island. Second district.

§ 4. The third district, of the counties of Will, Kendall, Grundy, La Salle, Putnam, Bureau, Livingston, Iroquois, Vermilion, Champaign, McLean and De Witt. Third district.

§ 5. The fourth district, of the counties of Fulton, Peoria, Knox, Henry, Stark, Warren, Mercer, Marshall, Woodford, Mason and Tazewell. Fourth district.

§ 6. The fifth district, of the counties of Adams, Pike, Calhoun, Brown, Schuyler, McDonough, Hancock and Henderson. Fifth district.

§ 7. The sixth district, of the counties of Morgan, Scott, Sangamon, Macoupin, Greene, Montgomery, Christian, Saebly, Cass, Menard and Jersey. Sixth district.

§ 8. The seventh district, of the counties of Logan, Mazon, Piatt, Moultrie, Coles, Edgar, Clark, Cumberland, Edgingham, Jasper, Clay, Crawford, Lawrence, Richland and Fayette. Seventh district.

§ 9. The eighth district, of the counties of Randolph, Macon, St. Clair, Madison, Bond, Clinton, Washington, Jefferson and Marion. Eighth district.

§ 10. The ninth district, of the counties of Alexander, Pulaski, Massac, Union, Johnson, Pope, Hardin, Gallatin, Saline, Williamson, Jackson, Perry, Franklin, Hamilton, White, Wayne, Edwards and Wabash.

§ 11. One representative to the congress of the United States shall be elected in each of the districts before enumerated, on the Tuesday after the first Monday of November, in the year of our Lord one thousand eight hundred and fifty-two, and one in each of said districts every two years thereafter. Such elections shall be held and returns thereof made and canvassed as is now provided by law in such cases.

APPROVED June 16, 1852.

In force June 16, 1852. AN ACT to authorize the construction and use of the Northern Indiana and Chicago Railroad.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the Northern Indiana and Chicago Railroad company be and they are hereby authorized to maintain and use or construct and build a railroad at and from the city of Chicago, in the county of Cook, in a southerly and southeasterly direction, through the southerly portion of said county of Cook, to a point where the state line shall be intersected by the road of the western division of the Buffalo and Mississippi Railroad company, on the most direct and eligible route; and the road above mentioned is hereby declared to be of sufficient public utility to justify the taking of private property for constructing and maintaining the same; and the acts done by said company are hereby legalized, and the said Northern Indiana and Chicago Railroad company is authorized to make such contracts and agreements for the transportation of freight and passengers, and the construction and maintenance or use of its said road, with any road of which it may be an extension, as to the board of directors may see proper.

APPROVED June 16, 1852.

AN ACT to authorize the county court of Scott county to levy a special tax. In force June 18, 1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the county court of Scott county, Illinois, be and the same is hereby authorized to levy and collect in the year A. D. eighteen hundred and fifty-two, and in each succeeding year thereafter, until the objects of this act shall have been effected, a special tax upon all the property in said county liable to taxation for state and county purposes, at any rate per cent. which will not produce in each year an aggregate sum of more than three thousand dollars.

Special tax authorized.

§ 2. The collection of taxes under the provisions of this act shall be enforced in the same manner as is or may be provided by the laws of this state for the collection of the state revenue; and when collected the same shall be a separate fund in the treasury of said county, and shall be appropriated under the orders of the county court—first, to the construction of a jail in said county, and, second, to the payment of debts now owed by said county.

Mode of collection.

Application.

§ 3. That said county court be further hereby authorized to borrow the amount of money contemplated in the foregoing sections, and to levy and collect such taxes for the payment of the same.

Power to borrow.

This act to be in force from and after its passage.

APPROVED June 18, 1852.

AN ACT to incorporate the Alton and Jerseyville Plank Road company. In force June 18, 1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the present stockholders of the Alton and Jerseyville Plank Road company, which was organized May, 1851, under the general law for the construction of plank roads, with their consent, be and they, their assigns and successors, hereby are made and constituted a body politic and corporate, by the name and style of the "Alton and Jerseyville Plank Road company," for the space of thirty years, and shall have power to sue and be sued, to contract and be contracted with, complain and defend, in any court of law or equity; to make and use a common seal and alter the same at pleasure; to make by-laws, rules and regulations for the management of its property, the regulation of its affairs, the appointment and number of its officers and agents, the negotiation and execution of its contracts and the transfer of its stock, not inconsistent with the laws of this state or the United States, and to take and hold sufficient real

Incorporation.

Style.

Powers.

estate for the enjoyment of all privileges herein granted, and to grant and convey the same at pleasure.

Transfer of exist-
ing road. § 2. The said Alton and Jerseyville Plank Road company, by its directors, may convey, transfer and set over to the corporation hereby created the road at present constructed, and the land over which the same passes, and all lands, premises, rights, benefits, privileges and contracts belonging to said company, or held for its use and benefit, whereupon the said incorporation shall have, hold and possess the same, for the sole use of said incorporation, and shall have the benefit of all the provisions herein contained for the maintenance and protection thereof; and the proceedings of said company and its directors, to the present time, are hereby ratified and made valid, notwithstanding any informality or irregularity therein.

Right to complete § 3. The said incorporation shall have the right to complete the plank road already commenced by said company, and to continue the same, so as to make it extend from the city of Alton to the town of Jerseyville, in Jersey county. Said plank road to be constructed upon the usual plan, and of such width as the directors of said incorporation shall deem advisable.

Stockholders. § 4. The present stockholders of the Alton and Jersey Plank Road company shall be stockholders in the corporation hereby created, to the amount of their respective shares, and the capital stock may be increased from the amount by them owned to any amount they or the directors of said company shall determine, not exceeding seventy-five thousand dollars, to be divided into shares of one hundred dollars each.

Electon of direc-
tors. An election for directors of said incorporation shall be held on the first Monday of May, eighteen hundred and fifty-three, and the present directors of said company shall be directors of said incorporation till their successors are elected. Afterwards elections for directors shall take place annually, at such time and place as the by-laws shall prescribe, due notice thereof being given. All elections shall be by ballot, and each stockholder shall be entitled to as many votes as he shall own shares of stock, and the person having the greatest number of votes shall be the directors.

Tolls. § 5. The affairs of said corporation shall be managed by the board of directors, a majority of whom shall constitute a quorum to do business, who shall have power to erect and maintain such toll-houses, toll-gates, and other buildings, for the accommodation and management of said road, and the travel and transport thereon, as they may deem suitable to its interests; and may demand, collect and receive of and from any and every person using said road, or so much thereof as may be completed, toll, to be

Limitation.

regulated by the directors, but not to exceed the rates prescribed by "An act to provide for the construction of plank roads by a general law," approved February 12, 1849, and the first, third, fourth and sixth sections of an act approved February 1, 1851, amendatory of said act of February 12, 1849, and the act approved February 17, 1851, further to amend the act of February 12, 1849, are made part of the charter hereby granted, so far as applicable thereto.

§ 6. The corporation hereby created is authorized to acquire by voluntary cession or purchase from the owner the right to construct said road over any lands belonging to individuals, companies or corporations on said route; and in case said corporation cannot obtain the right to construct said road over the lands owned by any individual, company or corporation, by voluntary cession or by purchase, it shall be lawful for said corporation to appropriate and use so much of said land as shall be necessary for the proper construction of said road, on complying with sections, thirteen, fourteen, fifteen and sixteen of the act entitled "An act to construct a plank road from Oswego, in Kendall county, to the Indiana line, by the way of Joliet, Will county," approved February 12, 1849, which four sections, making provision for obtaining the right of way, are made part of this act. Right of way.

§ 7. Said corporation is hereby vested with all the powers conferred on plank road companies organized under the general laws for the construction of plank roads, to make contracts with county and city authorities for the use of any part of a public highway or street for the construction of their said road. Power to contract

§ 8. Said corporation in and about the construction of said road, and to aid it therein, may borrow money not exceeding in amount the sum actually paid in by the stockholders, and contract to pay therefor a rate of interest not to exceed ten per cent. Power to borrow money.

§ 9. Said plank road and its appurtenances shall, for revenue purposes, be deemed real estate, and be liable as such to taxation. The stock of said corporation, for other purposes, shall be deemed personal property, shall be transferable only on the books of the corporation, and in the manner prescribed by the by-laws thereof. Kind of estate.

This act to be a public act, and to be in force from and after its passage.

APPROVED June 18, 1852.

In force June 18,
1852.

AN ACT to incorporate the Mount Carroll Seminary.

Corporators.	SECTION 1. <i>Be it enacted by the people of the State of Illinois, represented in the General Assembly,</i> That David Emmet, Nathaniel Halderman, Reuben W. Brush, John Wilson, Benjamin P. Miller, Leonard Goss, Calvin Gray, James Hallett, James Ferguson and John Irvine, sr., and their successors in office, be and they are hereby created a
Style.	body politic and corporate, under the name and style of the president and trustees of the Mount Carroll Seminary, and by that name and style to remain and have perpetual succession. The said seminary shall be and remain in or
Location.	within one half mile of the town of Mt. Carroll, in the county of Carroll, and state of Illinois. The number of
Number of trustees.	trustees shall not exceed nine, one of whom shall be president of the board, to be chosen by the trustees, and under
Powers.	the above name and style shall have power to make contracts, to sue and be sued, to plead and be impleaded, to answer and be answered unto in all courts and places, to grant and receive by its corporate name, and to do all other acts as natural persons may or could do; to accept, acquire, purchase or sell property, real, personal or mixed, in all lawful ways; to use, employ, manage and dispose of all such property and all moneys belonging to said corporation, in such manner as shall seem to the trustees best adapted to promote the objects before mentioned; to have a common seal, and change and alter the same at pleasure; to make such by-laws for its regulation as are not inconsistent with the constitution of the United States and of this state; to confer on such persons as may be considered worthy such academical or honorary degrees as are usually conferred by similar institutions.
Powers.	§ 2. The trustees of said corporation shall have authority, from time to time, to prescribe and regulate the course of studies to be pursued in said seminary; to fix the rate of tuition, and other seminary expenses; to appoint instructors and such other officers and agents as may be necessary in managing the concerns of the institution; to define their duties; to fix their compensation; to displace and remove them; to erect necessary buildings; to purchase books, chemical and philosophical apparatus, and other suitable means of instruction; to make rules for the general regulation of the conduct of the students, and to make and pass such ordinances, rules and by-laws as they may deem necessary and expedient.
Vacancies.	§ 3. The trustees, for the time being, in order to have perpetual succession, shall have power to fill all vacancies which may occur in the said board, from death, resignation, or from any other cause. A majority of the trustees shall constitute a quorum to do business.

§ 4. It shall be the duty of the board of trustees, to Treasurer. appoint a treasurer to the board from the stockholders, who shall be required to give bond with sufficient security as the board may prescribe, conditioned for the performance of such duties as the by-laws may require of him, and to hold his office for such time as the by-laws may prescribe.

§ 5. The said institution shall be open to all denomi- Particular reli-
gious faith not
required. nations of christians, and the profession of any particular religious faith shall not be required of those who become teachers or students of said seminary. All persons, teachers or students whose habits are idle or vicious, or whose moral character is bad, may however be suspended or expelled from said seminary by the trustees thereof.

§ 6. The land, tenements and hereditaments to be held Limitation of
property. in perpetuity, by virtue of this act, by said corporations, shall not exceed one hundred and sixty acres.

§ 7. The stock of said company shall consist of shares Stock. of five dollars each, and shall be deemed personal property, and shall be transferable by assignment of certificate on the books of said corporation, in such manner as the board of trustees shall prescribe. The capital stock of said company shall not exceed thirty thousand dollars, and its funds, rents and privileges shall only be used for the purposes of education, as herein declared.

§ 8. The beforementioned persons shall be deemed Corporators to be
trustees. trustees of this incorporation, until their successors are elected and qualified, and they are authorized to appoint all necessary agents and officers, which offices shall expire with their own.

§ 9. All deeds or instruments of writing, for the con- Conveyances. veyance of real estate to the said incorporation, shall be made to the president and trustees of the Mount Carroll Seminary, and their successors in office, for the use of said seminary, and all deeds and conveyances of land from said corporation shall be made by a majority of the trustees, sealed with the seal of the corporation, if they have a public seal. If no public seal is provided, then signed by the president and his private seal, and by him acknowledged in his official capacity.

§ 10. The time of election for the election of trustees, Time of election. shall be on the first Monday of January, A. D. 1853, and on the first Monday of January each year thereafter, and the trustees elected at such times shall serve until their successors are elected and qualified. It shall be the duty of the president to give ten days' notice of each election for trustees, or other officers, by posting up notices in at least three public places in the town of Mt. Carroll and vicinity, of the time and place of holding the same, and each stockholder shall be entitled to one vote for each

share of stock he may own, and if it should happen that an election of the trustees should not be made on the day herein provided, it shall, in that case, be lawful to hold the election on any other day that may be designated, by a call of five stockholders by notice, as before designated.

Exemption. § 11. The lands, lots, building or buildings, library, philosophical or chemical or other apparatus, belonging to said corporation, is and the same shall be forever exempt from taxation, for state, county or corporation purposes, and also be exempt from execution for other than debts or demands against said incorporation, in its corporate capacity and liabilities.

Limitation of votes. § 12. Stockholders shall at any election under this act be permitted to cast more than one hundred votes or ballots, anything in this act to the contrary notwithstanding.

APPROVED June 18, 1852.

In force June 18, 1852. AN ACT to provide for the establishment and incorporation of hospitals for sick and disabled boatmen.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That any number of persons who may desire to establish and sustain at any of the cities, towns or villages situated on any of the navigable waters within this state, hospitals, and of erecting houses of worship, or either, for the benefit of persons employed on steamboats and other vessels navigating the said waters, may associate together and become incorporated under the provisions of this act.

Power to incorporate. § 2. Such persons shall sign an agreement, expressing their desire to become incorporated as aforesaid, in which they shall agree—first, upon a corporate name; second, upon a place of location; third, upon the number of directors, and, fourth, the object intended, whether the establishment of a hospital, or the building of a church, or both; which agreement, when so signed, shall be acknowledged before some officer authorized to take the acknowledgment of deeds, and recorded by the recorder of the county in which the establishment is located.

Mode of incorporation. § 3. Upon the recording of said agreement, the persons so associated, their successors and assigns, shall be and remain a body corporate and politic, by the name agreed on as aforesaid, and by such name shall have the right to sue and be sued, plead and be impleaded, in all courts or places wherein judicial proceedings are or may be had; also, to contract and be contracted with, to receive and hold

General powers.

by any lawful mode of conveyance in the corporate name, and for the uses of the institution, property, real, personal and mixed, and to grant and convey the same; also, to adopt, alter or amend by-laws, rules and regulations for the direction, well ordering and conducting the business of the corporation; and, also, to make, have and use a common seal, and break or alter the same at pleasure: *Provided*,^{Proviso.} that no by-laws shall conflict with the constitution and laws of the United States and of this state.

§ 4. The objects of said corporations shall be—first, to^{Objects.} erect suitable hospital buildings, and provide for the care, support, protection and medical treatment of all officers, sailors, deck hands, carpenters and servants engaged in navigating steamboats and other vessels, who fall sick or become disabled whilst engaged in such service, or who, from age or misfortune, become unable, for the time being, to procure or earn the means of subsistence; second, to erect houses of worship for the use of all persons engaged as aforesaid.

5. The business of each corporation shall be transacted^{Board of directors} by, and all the powers hereby conferred shall be vested in a board of directors. not less than five nor more than ten in number, to be elected or appointed in such manner as may be provided for in the original agreements or the by-laws of the corporation: *Provided*,^{Proviso.} that the first board shall be appointed by the persons associating as aforesaid: *And*^{Further proviso.} *provided further*, that until otherwise agreed on, the members of the board shall fill all vacancies as they occur, so as to perpetuate its existence.

§ 6. The board of directors shall appoint a secretary^{Secretary and treasurer.} and a treasurer and all agents required in the transaction of the business of the corporation. Said directors shall also obtain and cause to be conveyed in fee to the corporation,^{Real estate.} one or more lots of land, not exceeding in quantity, at any one place, ten acres, for the purpose of erecting thereon hospital buildings and houses of worship, or either, as may have been agreed on as aforesaid, together with such other buildings as may be required for the uses of the incorporation,^{Buildings.} and also for making ornamental, vegetable and fruit gardens; which said lands, buildings and improvements, whilst used for the purpose or purposes expressed in this act, shall be exempt from taxation for all purposes whatever.

§ 7. The funds and property of the corporation shall^{Property.} consist of all such money, property, goods, chattels and effects as may be contributed or paid by the classes of persons to be provided for, and the benevolent of all classes, for establishing and sustaining the institution, and the directors are authorized to obtain and receive funds, property, goods, chattels and effects, by any lawful way or means, and apply the same to the use of the corporation.

Reception of sick
persons.

§ 8. The trustees shall make provision for receiving into the hospital buildings all persons engaged on boats or other vessels as aforesaid, so far as the funds or means in their hands will justify; also provide for their care, nursing, medical treatment and support, and fix the terms of such reception, care and support. They shall also in the by-laws provide for the employment of stewards, physicians, nurses, attendants and servants, and prescribe their several duties.

Use of property.

§ 9. All money, property, goods and effects, paid or contributed, when accepted, shall be used according to the expressed direction of the person from whom the same is obtained, and no part thereof shall be diverted to any other purpose or object whatever.

Individual inter-
ests prohibited.

§ 10. There shall be no private or individual property or rights vested in or held by the said corporation, but all money, property, goods and effects, paid or contributed, shall be held and used for the purposes stated in this act.

This shall be a public act, be in force on its passage, and its provisions apply severally to each corporation which may be organized in conformity with the same.

APPROVED June 18, 1852.

In force June 18,
1852.

AN ACT to authorize Edwards county to make a loan of money.

Loan authorized.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the county court of Edwards county is hereby empowered and authorized to borrow, on behalf of said county, a sum of money not exceeding three thousand dollars, in such manner and on such terms as they shall deem proper.

Application.

§ 2. The said money, or so much thereof as said court shall deem necessary, shall be applied to the building of a court house for said county.

10 per cent. inter-
est allowed.

§ 3. In case the said court shall determine to effect the loan, as provided for in the first section of this act, they are hereby authorized to contract to give interest upon said loan at the rate of ten per cent. per annum, if it cannot be had at a less rate.

Tax.

§ 4. Said court is hereby authorized to cause to be levied any sum not exceeding ten cents on the hundred dollars, in addition to the present amount now allowed by law to be levied for county purposes; which amount, when thus levied, shall be set apart for the express purpose of reimbursing the said sum, which may be borrowed as aforesaid, and shall in no wise be subject to the payment of any other

debt or debts due or to become due against said county; but the said rate of levy shall continue from year to year until the said loan shall be fully paid.

§ 5. This act to take effect from and after its passage.

APPROVED June 18, 1852.

AN ACT to incorporate Temple Lodge, Number Forty-six, of Free and Accepted Masons. In force June 18, 1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all such persons as are or may hereafter become members of Temple Lodge, Number Forty-six, of Free and Accepted Masons, from and after the passage of this act, shall be and they are hereby constituted a body corporate and politic, by the name of Temple Lodge, Number Forty-six, of Free and Accepted Masons, and by that name they and their successors shall have succession, and shall in law be capable of suing and being sued, plead and be impleaded in all courts and places whatsoever, and by that name and style be capable in law of purchasing or receiving by gift, or otherwise holding and conveying real estate for the benefit of said corporation: *Provided*, that said corporation shall not at any one time hold property to an amount exceeding thirty thousand dollars.

§ 2. For the purpose of carrying into effect this object, the members of the above incorporation shall have power and are hereby authorized to appoint out of their number three trustees, to hold their office for the term of two years and until their successors in office are appointed.

§ 3. They shall have power to make such laws and regulations as they shall think necessary for the government of their concerns: *Provided*, such by-laws are not inconsistent with the constitution of the United States or of this state.

§ 4. The capital stock of said incorporation shall not exceed fifteen thousand dollars.

APPROVED June 18, 1852.

In force June 18,
1852.

AN ACT to establish the Momence Bridge company.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That John Strunk, Orson Beebe, David Lynds, Samuel B. Bandle and James M. Perry, and their successors and assigns, be and they are hereby created a body corporate and politic, under the name and style of the Momence Bridge company, and under such name and style may contract and be contracted with; sue and be sued; plead and be impleaded, in all courts and places where legal proceedings are had; to have and use a common seal and change the same at pleasure, and to have and exercise all the powers, privileges and immunities necessary to carry into effect the objects of this act.

§ 2. The officers of said company shall consist of five directors, who shall have the management and control of the affairs of said company, and shall be elected by the stockholders of said company, at such time and place as said company shall direct. Said directors may appoint a president, secretary, treasurer and such other officers as may be necessary. The persons named in the first section of this act shall be and constitute the directors of said company for one year after the passage of this act, and until their successors are appointed.

§ 3. The capital stock of said company shall be three thousand dollars, and may be increased by said company to five thousand dollars. Said capital stock shall be divided into shares of ten dollars each, each share entitling the holder thereof to one vote in all meetings of the stockholders. Said stock shall be considered personal property, and shall be transferable upon such conditions as the company shall direct. Said company are hereby authorized to open books of subscription, and therein to receive the subscriptions of all persons desirous of becoming stockholders in said company, and all such subscriptions heretofore made are hereby ratified and confirmed.

§ 4. Said company, or the directors thereof, shall have power to pass all necessary by-laws and rules for the government of said company, and for the maintenance and disposition of its property, not inconsistent with the constitution and laws of this state, or of these United States, and the same to alter or repeal at pleasure.

§ 5. Said company are hereby authorized and empowered to build and maintain a bridge across the south branch of the Kankakee river, in township thirty-one (31,) and thirty-one (31) north, and on the range line between ranges thirteen (13) and fourteen (14,) east of the third principal meridian; to purchase, hold and transfer all the real estate necessary for carrying out the purposes of

this act, and to erect and maintain all toll houses, and other buildings necessary for carrying out the objects of said company.

§ 6. Said company are hereby authorized to erect a ^{Toll-gate.} toll-gate at either end of said bridge, and to demand and receive of every person desirous of using said bridge, the following rates of toll, which may be diminished at any time, by the company: For each pair of horses or cattle and wagon or cart, twenty (20) cents; for each extra ^{Tolls.} horse attached to said wagon, five (5) cents; for one horse and buggy or carriage, fifteen (15) cents; for a man and horse, ten (10) cents; for each horse, ass, mule, and for each head of cattle, three (3) cents; for each hog or sheep, two (2) cents; for each extra wagon, cart, buggy or carriage, five (5) cents; for each footman, two (2) cents; and for all other uses of said bridge, not above enumerated, such rates of toll as may not be inconsistent with the foregoing rates.

§ 7. Any person or persons who shall wilfully do, or ^{Penalty.} cause to be done, any injury to said bridge, or shall ride or drive or lead upon said bridge, any beast or team faster than a walk, shall pay and forfeit to said company, a fine of five dollars, to be recovered before any justice of the peace having jurisdiction thereof.

§ 8. The said bridge shall be deemed a public highway, ^{Public highway.} within the meaning of the laws providing for the punishment of persons injuring, obstructing or destroying public highways or bridges, in any manner whatever: *Provided*, ^{Proviso.} that nothing contained in this or the preceding section shall be construed to prevent said company from commencing or maintaining any suit or proceeding which ordinary persons may do for injuries done to their property.

§ 9. This act to take effect on its passage.

APPROVED June 18, 1852.

AN ACT to incorporate the Virginia Seminary of the Cumberland Presby- In force June 18, 1852.
terian Church.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That John M. Berry, Abraham H. Goodpasture, Nathan H. Downing, Elihu Bone, Richard S. Thomas, Mahlon H. L. Schooley, John B. Thompson, Harvey O'Neal and Gilbert Dodds, and their successors, are hereby created a body politic and corporate, by the name of "Virginia Seminary of the Cumber- ^{Corporators.} land Presbyterian Church," and by that name to remain and* ^{Style.}

	have perpetual succession, with power to contract and be contracted with, sue and be sued, plead and be impleaded; to acquire, hold, use and convey property, real, personal and mixed; to use a common seal, and the same to alter or change at pleasure; to make and alter by-laws for the government of the corporation, its officers, agents and servants: <i>Provided</i> , such by-laws be not contrary to the constitution and laws of the United States or of this state.
Proviso.	
Object.	§ 2. The object of the corporation shall be the establishment, support and government of a seminary of learning, for the advancement of religion, science and the cause of education generally.
Location.	§ 3. The said seminary shall be and remain located at or near Virginia, in Cass county; and the persons named in the first section hereof and their successors shall be the trustees, together with the president, who shall, <i>ex officio</i> , be a member of the board.
Trustees.	
Power of trustees	§ 4. The said trustees shall have power to erect the buildings necessary for the seminary; to obtain title, in the name of the corporation, to the land on which the buildings are to be erected; to appoint a president, and professors, teachers and instructors, as the wants of the institution may require and the funds justify; to fix the compensation of the president, professors, teachers and instructors, and to remove or dismiss any one or all of them and appoint others in their places; to employ agents and servants and dismiss them at pleasure; to purchase furniture, books, maps, charts, globes, chemical, philosophical and other apparatus required in the business of instruction; to prescribe the course of study, fix the price of tuition, room rent, and all other accommodations afforded to pupils; to adopt by-laws for the regulation of the duties of all persons employed in the institution and the conduct of students and pupils; they shall also have power to dismiss from the institution all students or pupils who may violate the laws, or whose conduct may be immoral.
Property.	§ 5. The corporation may receive or take by any mode of conveyance or transfer, property, real, personal or mixed, and have, hold and use the same, together with the issues, rents and profits thereof, for the use of the institution, and subject to the control and disposition of the trustees: <i>Provided, however</i> , that property or money donated to the institution for a special purpose shall, if accepted, be faithfully applied to such purpose.
Proviso.	
Exemptions from taxation.	§ 6. The lot of land on which the buildings may be erected, not exceeding in quantity twenty acres, with the improvements thereon, and all the personal property of the corporation, shall be exempt from taxation for any purpose whatever.
Authority to confer degrees.	§ 7. The said trustees shall have power to establish departments in the said seminary for the study of any or all

the liberal professions, including the arts and sciences, and to grant diplomas, and to confer such academical or honorary degrees as are usually conferred by colleges or seminaries in which similar studies are pursued.

§ 8. The said trustees shall also have power to establish a department for the study of theology, the president and professors of which shall always be nominated by the Sangamon Presbytery of the Cumberland Presbyterian Church, and appointed by the trustees. Department of theology.

§ 9. The said trustees shall hold a meeting at Virginia, on or before the first Monday in September next, appoint a president secretary and treasurer of the board; and the president shall at said meeting divide the members of the board, including the president, into three classes of equal number; and the time of service of those composing the first class shall expire two years from said date; those composing the second class shall expire four years from said date; and those composing the third class shall expire six years from said date; so that the time of service of one third of the members of the board will expire and successors be appointed every two years; and persons appointed to fill vacancies resulting from death, resignation or removal out of the state, shall stand in the class or classes of those who may thus have ceased to be members of the board, and their time of service limited accordingly. Meeting and division of trustees.

§ 10. Successors to trustees whose term of service shall have expired shall be employed of persons nominated by the Sangamon Presbytery of the Cumberland Presbyterian Church, who shall be appointed, upon such nomination, by the trustees in office; and all other vacancies occurring in the board shall be filled in like manner: *Provided*, that if the said presbytery should at any time fail to make nominations the trustees in office shall make appointments to stand and continue until the said presbytery shall act in the premises. Successors to be nominated, &c.

§ 11. A majority of the board of trustees for the time being shall constitute a quorum for the transaction of ordinary business; but two-thirds of the board must concur in the appointment or removal of the president, and a majority of the whole board must concur in the appointment or removal of professors, teachers and instructors in the academical department s. Quorum.

§ 12. The president and professors of the theological department shall be subject to removal only by the Sangamon Presbytery of the Cumberland Presbyterian Church. Removals.

§ 13. This act shall be a public act, and shall be in force from and after its passage. Removal of theological professors.

APPROVED June 18, 1852.

In force June 18,
1852.

AN ACT to incorporate the Mt. Carroll Cemetery Association.

- SECTION 1.** *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Reuben W. Brush, Samuel J. Campbell, Nathaniel Halderman, Daniel Ernest and Benjamin P. Miller, and their associates, in the town of Mt. Carroll, in the county of Carroll, and their successors, be and they are hereby constituted a body corporate and politic, by the name and style of the Mt. Carroll Cemetery Association, and by that name to have perpetual succession, and shall have and possess and be invested with all the powers, rights, privileges and immunities incident to a corporate body.
- Corporators.**
- Style.**
- Real estate.** § 2. Said association shall have power to own and possess real estate, not exceeding ten acres, which shall be exempt from taxation.
- Object.** § 3. The object of said association shall be, exclusively and solely, to lay out and enclose and ornament a plat or piece of ground, not exceeding ten acres as aforesaid, to be used as a burial place for the dead.
- Officers.** § 4. The officers of this association shall be a president, a treasurer, (who shall act as secretary,) a superintendent and two directors, who shall be chosen annually, by ballot, and shall hold their offices until their successors are chosen. Any neglect to choose officers on the day fixed upon by said officers shall not operate as a forfeiture of this act of incorporation.
- Powers.** § 5. Said association shall have power to lay out said burial place into lots of suitable size for family burial apartments, and sell and convey the same by warrantee deed, in fee simple, signed by the president of said association, the purchaser of which shall use the said lots as herein contemplated, and for no other purpose whatsoever. Said lots to be forever exempt from taxation and execution.
- Application of proceeds.** § 6. The proceeds arising from the sale of said lots, after deducting all the expenses of purchasing and laying out, shall be appropriated and used in improving and ornamenting the burial ground, or in other objects connected with this incorporation.
- Members.** § 7. Every person holding one or more lots shall be a member, and entitled to one vote only. Absent members shall have power to vote by proxy.
- Duty of secretary.** § 8. It shall be the duty of the secretary, on the order of the president or any two directors, to call a meeting of the members for the choice of officers, or for the transaction of any kind of business which this act authorizes, by giving ten days' public notice [notice.]
- By-laws.** § 9. The said corporation shall have power to establish and change by-laws, and prescribe rules and regula-

tions for their government and the direction of their officers, and prescribe their duties and the management of their property and affairs.

This act to be in force from and after its passage.

APPROVED June 18, 1852.

AN ACT to vacate certain streets and alleys in the town of Jonesboro. In force June 18, 1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the alley extending from Broad street to Market street, between lots No. twenty-three and twenty-four, thirty-four and thirty-five, in Grammar's donation for the town of Jonesboro, be and the same is hereby vacated. Alley vacated.

§ 2. That the portion of said street extending from Broad street north to Market street, in Heacock and McIntosh's addition to the town of Jonesboro, be and the same is hereby vacated. Part of street vacated.

§ 3. That the ground thus vacated shall be sold at public auction by the sheriff of Union county, upon such terms and at such times as the county court of said county shall determine, and the proceeds of such sale, after defraying all expenses, shall be paid into the county treasury, to be used as other county funds. Sale of vacated grounds.

§ 4. This act shall be deemed a public act, and shall be in force from and after its passage.

APPROVED June 18, 1852.

AN ACT to incorporate the Fox River Valley Railroad company. In force June 18, 1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all such persons as shall become stockholders agreeably to the provisions of this act, in this corporation hereby created, shall be, and for the term of sixty years from and after the passage of this act shall continue to be, a body corporate and politic, by the name of the Fox River Valley Railroad company, and by that name shall have succession for the term of years above specified; may sue and be sued, complain and defend in any court of law or equity; may make and use a common seal and alter the same at pleasure; may Corporation.
Style.
Geneal powers.

make by-laws, rules and regulations for the management of property, the regulation of its affairs and for the transfer of its stock, not inconsistent with the existing laws and the constitution of this state or of the United States, and may in reover appoint such subordinates, agents, officers and servants as the business of the said company may require, prescribe their duties and require bond for the faithful performance thereof.

Commissioners.

§ 2. That John Gillilan, William McConnell, H. N. Owen, George Gage, G. W. Early, William Henry, J. A. Carpenter, H. E. Hunt, A. Edwards, Thomas H. Thompson, M. C. Town, George Harvey, George B. Raymond, E. S. Wadsworth and B. W. Raymond, be and they are hereby appointed commissioners for the purpose of procur-

Capital stock.

ing subscriptions to the capital stock of said company, whose duty it shall be to open books for subscriptions to the capital stock of said company, giving notice of the time and place when and where said books will be opened, at least thirty days' previous thereto, by publication in some newspaper published in Aurora, St. Charles, Elgin, Woodstock and Chicago. The said commissioners, or a majority of them, shall attend at the place appointed for the opening of said books, and shall continue to receive subscriptions either personally or by such agents as they shall appoint for that purpose, until the sum of twenty-five thousand dollars shall have been subscribed, and as soon as said sum of twenty-five thousand dollars is subscribed, the said commissioners shall give twenty days' notice, by publication in a newspaper published in Aurora, St. Charles, Elgin, Woodstock and Chicago, of an election by said stockholders, of a board of directors, as hereinafter provided, for the management of said company. At such time and place appointed for that purpose, the commissioners, or a majority of them, shall attend and act as inspectors of said election, and the stockholders present shall proceed to elect thirteen directors, by ballot, and the commissioners present shall certify the result of such election under their hands, which certificate shall be recorded in the record book of said company, and shall be sufficient evidence of the election of the directors therein named. The directors thus elected shall hold their office for one year and until their successors are elected and qualified.

Directors.

Amount of capital stock.

§ 3. The capital stock of said company shall be eight hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and may be increased by the directors of said company to any sum not exceeding one million of dollars, if necessary to complete the works herein authorized, and the same shall be subscribed for and taken under the direction of the board of directors of said company, in such time and place and manner as the

said directors shall, from time to time, direct. The shares in said company shall be deemed and considered as personal property.

§ 4. The affairs of said company shall be managed by a board of thirteen directors, to be chosen annually by the stockholders, from among themselves. At all elections for directors each stockholder shall be entitled to one vote for each share held by him, and may vote either personally or by proxy, and a plurality of the votes given at any election shall determine the choice, and no stockholder shall be allowed to vote at any election after the first, for any stock which shall have been assigned to him, within thirty days' previous to said election. The directors shall hold their offices for one year after election, and until their successors are elected and qualified, and shall elect one of their number president of said board; and in case of any vacancy occurring in said board of directors between elections, the same may be filled by the board at any legal meeting of the directors, and the person so elected to fill the vacancy shall hold his office until the next annual meeting of the stockholders. In case of the absence of the president of the board, the electors shall have power to elect a president *pro tempore*, who shall exercise for the time being all the legal powers of the president of said company. The said board of directors may be diminished to any number not less than nine, or increased to any number not exceeding fifteen, by a vote of the majority of the stockholders present at any annual meeting.

Annual election
of directors.

§ 5. It shall be lawful for the directors to make calls upon the sums subscribed to the capital stock of said company, at such time or times and in such amounts as they shall deem fit, giving at least thirty days' notice of each of said calls, in at least three public newspapers published in this state and in case of failure on the part of any stockholder to make payment of any call made by said directors, for sixty days' after the same shall have been due, the said board of directors are hereby authorized to declare said stock so in arrears, and all sums paid thereon forfeited to said company.

Calls for sums
subscribed.

§ 6. The said company are hereby authorized and empowered to locate, construct and complete, and to maintain and operate a railroad, with a single or double track, and with such appendages as may be deemed necessary by the directors for the convenient use of the same, from some point on the Galena and Chicago Union railroad, at or near the village of Elgin, east side of Fox river, in the county of Kane—thence through, or as near to as practicable, the village of Dundee, in Kane county, Algonquin, McHenry county, and Richmond, in McHenry county, and thence in a northerly direction to the north line of the

Object of corporation.

state of Illinois, and are further authorized to continue said railroad from Elgin, down Fox river, passing through, or as near to as practicable, the villages of Clintonville, St. Charles, Geneva, and intersecting the Aurora Branch railroad at or near the village of Batavia, and to survey and determine the line of said road upon such route, between said points, as the said company shall deem most eligible. And the said company are further authorized to use and operate said railroad, and shall have power and authority to regulate the time and manner in which goods, effects and persons shall be transported on the same, and prescribe the manner in which said railroad shall be used and the rate of toll for the transportation of persons and property thereon, and for the storage of merchandise and other property under their charge, and shall have power to provide all necessary stock and material for the operation of said road, and shall have power to erect and maintain all necessary depots, stations, shops and other buildings, and machinery for the accommodation, management and operation of said road.

Right of way.

§ 7. The said company are hereby authorized by their engineers and agents, to enter upon any lands for the purpose of making the necessary surveys and examinations of said road, and to enter upon and take and hold all lands necessary for the construction of the said railroad and its appendages, first making just and reasonable compensation to the owners of said lands for any damage that may arise to them from the building of said railroad; and in case said company shall not be able to obtain the title to the lands through which the said road shall be laid, by purchase or voluntary cession, the said company are hereby authorized to proceed to ascertain and determine the damages sustained by such owner or owners, in the manner and upon the principles provided by the ninety-second chapter of the Revised Statutes of this state, entitled "A right of way:" *Provided*, that after the appraisal of damages as provided in said statute, and upon the deposit of the amount of such appraisals in the circuit court of the county wherein such lands may be situate, the said company are hereby authorized to enter upon such lands for the construction of said road.

Proviso.

Power to borrow money.

§ 8. The said company are authorized and empowered to borrow, from time to time, such sum or sums of money, not exceeding the capital stock of the company, as in their discretion may be deemed necessary to aid in the construction of said road, and to pay any rate of interest therefor not exceeding ten per cent., and to pledge and mortgage the said road and its appendages, or any part thereof, or any other property or effects, rights, credits or franchises of the said company, as security for any loan of money and

interest thereon, and to dispose of the bonds issued for such loan at such rate or on such terms as the board of directors may determine.

§ 9. Said corporation shall be bound to repair all public highways, bridges and water courses which may be injured in constructing the said railroad or its appendages, and shall restore them, as far as practicable, to as good a condition as they were before they were injured. Repair of roads, &c.

§ 10. It shall be lawful for said company to unite with and other railroad company which may have been or may hereafter be incorporated by this state or the state of Wisconsin, and to grant to any such company, the right to construct and use any portion of the road hereby authorized to be constructed, upon such terms as may be mutually agreed between the said companies; also the right to purchase or lease all or any part of any other railroad which is or may be hereafter built in this state or the state of Wisconsin, upon such terms as may be mutually agreed between the said railroad companies. Union with other roads.

§ 11. Any person who shall wilfully injure or obstruct the said road, or any part of the appendages thereto, shall be deemed guilty of a misdemeanor, and shall forfeit to the use of the company, a sum threefold the amount of the damages occasioned by such injury or obstruction, to be recovered in any action of debt in the name of said company, with costs of suit, before any justice of the peace or before any court of record in this state. Penalties.

§ 12. The said company shall be allowed three years from the passage of this act for the commencement of the construction of said railroad, and in case the same shall not be completed in ten years thereafter, the privileges herein granted shall be forfeited. Limitation of time.

§ 13. This act shall be deemed and taken as a public act, and shall be construed beneficially for all purposes herein specified or intended. Manner of construction.

APPROVED June 18, 1852.

AN ACT to authorize the city of Rockford to borrow money.

In force June 18, 1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the mayor and common council of the city of Rockford be and they are hereby authorized, on the faith and pledge of said city, to borrow a sum of money, not exceeding ten thousand dollars, at a rate of interest not exceeding ten per cent., for Authority to borrow money.

a term not exceeding twenty years, and to issue the bonds of said city therefor, under the seal of said city, signed by its clerk and countersigned by the mayor of said city.

Issue of bonds.

§ 2. The mayor and common council of said city are hereby authorized, for the purpose of borrowing money as aforesaid, to issue the bonds of said city, extended [executed] as aforesaid, in the sum of one hundred dollars each, bearing interest at a rate not exceeding ten per cent. per annum, payable annually; said bonds to be payable within twenty years from the issue, or as much sooner as the said mayor and common council may judge proper, and to sell such bonds for the best price they may be able to obtain for the same, and in the manner they may judge most for the interest of said city.

Application of funds borrowed.

§ 3. The said mayor and common council shall apply the money by them obtained under and by virtue of this act, in the building and construction of a public bridge across Rock river, in said city, at or near where the bridge in said city across said river now stands; and said money so borrowed shall be repaid by the said city by taxes to be levied on the taxable property of said city; and it shall be the duty of said mayor and common council to provide by ordinance for the repayment of said money so to be borrowed as aforesaid, by the time and in the manner such money may by the terms of the bonds issued therefor fall due.

Payment.

Limitation.

§ 4. The said mayor and common council are hereby authorized, within the limits of twenty years as aforesaid, to issue bonds, payable at different times, in such manner as they may in their discretion judge best for the city, and as will make the sum borrowed most convenient of payment out of the taxes of said city.

APPROVED June 18, 1852.

In force June 19, 1852. AN ACT to incorporate the Grand Union of the Daughters of Temperance of the state of Illinois, and the subordinate unions thereof belonging.

Corporators.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That E. N. Smith, H. B. Rossiter, C. T. F. Stringer, R. W. Hammond, H. A. Wood, C. Barns, and A. H. Stone, the present officers of the Grand Union of the Daughters of Temperance of the State of Illinois, and their successors, be and they are hereby declared to be a community, corporation and body politic, by the name and style and title of the "Grand Union of the Daughters of Temperance of the State of Illinois," and by that name they and their successors shall and*

Style.

may, at all times hereafter, be capable in law to have, receive and retain to them and their successors, property, General powers. real and personal, also devises or bequests of any person or persons, bodies politic or corporate, capable of making the same, and the same at their pleasure to transfer or dispose of in such manner as they may think proper: *Provided* Proviso. *always*, that the said corporation shall not at any time hold or possess property, real, personal or mixed, exceeding in annual value the sum of twenty thousand dollar.

§ 2. The said corporation, by the name, style and title Powers. aforesaid, shall be forever hereafter capable, both in law and equity, to sue and be sued, to plead and be impleaded, to answer and be answered unto, defend and be defended, in all and any courts of justice, and before any judge, officer or person whatsoever, in all actions, suits or demands whatsoever.

§ 3. It shall and may be lawful for the said corporation Seal. to have and use a common seal, and the same at their pleasure to change, alter, and make anew, and in general have and exercise all such rights, privileges and immunities as by law are incident to or are necessary to the corporation herein constituted.

§ 4. The subordinate unions which are now belonging Subordinate unions. to or which may hereafter belong to or be instituted by the corporation above created, by complying with the provisions of the next section of this act, shall become and be bodies corporate, under the names respectively by which they may have been or may be instituted, and as such bodies corporate shall forever be capable of having, receiving and holding, respectively, property, real and personal, also devises or bequests, and the same, at pleasure, to transfer or dispose of in such manner as they may respectively think proper: *Provided* Proviso. *always*, that no one of the said subordinate unions shall at any time hold or possess property, real, personal or mixed, exceeding in annual value the sum of ten thousand dollars.

§ 5. Whenever any subordinate union of the Daughters Mode of incorporation. of Temperance before mentioned, shall desire to become incorporated under this act, it shall be the duty of said union to elect not less than five nor more than ten trustees, and a certificate of such election shall be recorded in the office of the recorder of the county wherein such union shall be situated; and from and after the recording of such certificate the said trustees and their successors shall become entitled to the benefits of this act, and shall forever thereafter be capable, both in law and in equity, of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in any and all courts, and before any judge, officers or persons whatsoever, in any and all actions, matters, and things

whatsoever, under the names respectively as provided in the fourth section of this act.

Power of subordinate unions.

§ 6. Said subordinate unions may respectively have a common seal for their own use respectively, and at their pleasure change, alter or make anew the same, and respectively have, exercise and enjoy all such rights, privileges and immunities as by law are incident to or necessary to the support of the same.

§ 7. This act to take effect from and after its passage.

APPROVED June 19, 1852.

In force June 19, 1852. AN ACT to amend an act entitled "An act to incorporate the Central Military Tract Railroad company."

Corporators.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That William McMurtry, George C. Lanphere, James Bunce, Silas Willard, Chauncey S. Conlton, Alfred Brown, Edwin G. Ellet, Edward Hollister, Amos Ward, Sylvester Blish, Barney M. Jackson, Myrtle G. Brace and William Maxwell, and their associates, subscribers to the stock of the Central Military Tract Railroad company, and all such persons as shall hereafter become stockholders in said company, shall be and are hereby declared a body politic and corporate, by the name and style of "Central Military Tract Railroad company," with perpetual succession, and under that name and style shall be capable of suing and being sued, implead and being impleaded, defending and being defended against, in law and equity, in all courts and places whatsoever, in like manner and as fully as natural persons; may make and use a common seal, and alter or renew the same at pleasure; and by their said corporate name and style shall be capable in law of contracting and being contracted with; shall be and are hereby declared invested with all the powers, privileges, immunities and franchises, and of acquiring, by purchase or otherwise, and holding and conveying real and personal estate which may be needful to carry into effect fully the purposes and objects of this act.

Style.

Powers.

Objects.

§ 2. The said corporation is hereby authorized and empowered to survey, locate, construct, complete, alter, maintain and operate a railroad, with one or more tracks, from the town of Galesburg, in the county of Knox, in a northeasterly direction, on the most direct and eligible route towards the city of Chicago, to a point to be designated by the said company, on or near the line of the Chicago and Rock Island Railroad, or on or near the line of any other railroad

or railroads connecting with or extending to the said city of Chicago, with a branch of the same to the town of Henderson, in the county of Knox.

§ 3. The said corporation shall have the right of way Right of way. upon, and may appropriate to its sole use and control, for the purposes contemplated herein, but not exceeding two hundred feet in width, through its entire length; may enter upon, and take possession of, and use all and singular any lands, streams and materials of every kind, for the location of depots, and stopping stages; for the purpose of constructing bridges, dams, embankments, excavations, station grounds, spoil banks, turn-outs, engine houses, shops and other buildings necessary for the construction, completing, altering, maintaining, preserving and complete operation of said road. All such lands, waters, materials and privileges Grant by state. belonging to the state, are hereby granted to said corporation for said purposes, but when owned or belonging to any person, company or corporation, and cannot be obtained by voluntary grant or release, the same may be taken and paid How obtained otherwise. for, if any damages are awarded, in the manner provided in "An act to provide for a general system of railroad incorporations," approved November fifth, one thousand eight hundred and forty-nine, and the final decision or award shall vest in the corporation all the rights, franchises and immunities in said act contemplated and provided: *Provided*, Proviso. that the appeal allowed by the provisions of the aforesaid act shall not affect the possession by said company of the land appraised; and when the appeal is made by others than the company, the same shall not be allowed, except on a stipulation of the party appealing that the said company may enter upon and use the lands described in the petition for the uses and purposes in said petition set forth, upon said company giving bond and security, to be approved by the clerk of said court, that they will pay all costs and damages that may be awarded against said company on the hearing of said appeal. The said company shall have power and Grants, &c. authority to receive, take and hold all such voluntary grants and donations of land and real estate, for the purposes of said railroad, as may have been or shall be made to said company, to aid in the construction, accommodation and maintenance of said railroad; and said company may contract and agree with the owners or occupiers of any land upon which said company may wish to construct said railroad, or which said company may wish to use or occupy for the purpose of procuring materials to be used in or about the construction, maintenance or enjoyment of said railroad, or which said company may wish to use or occupy for any purpose connected with said railroad.

§ 4. The capital stock of said company shall be one Capital stock. hundred thousand dollars, which may be increased from

	time to time, by a vote of a majority, in interest, of the stockholders, at their annual meeting, or at any special meeting which shall be called for the purpose by the directors of said company, to any sum not exceeding the amount required to be expended on account of said road; which stock shall be divided in shares of one hundred dollars each, which shall be deemed personal property, and may be issued, certified, transferred and registered in such manner and at such places as may be ordered and directed by the board of directors. The board of directors shall require payment of the capital stock subscribed, in such sums, at such times, and in such proportions, and on such conditions, as they shall see fit, under the penalty of the forfeiture of all previous payments thereon, and shall give notice to the stockholders of the payments thus required, and of the place when and where the same are to be paid, at least thirty days previous to the payment of the same. The said board of directors shall cause books to be kept open until the full amount of the capital stock, as above provided, is subscribed; and when additional stock shall be voted by the stockholders, as above provided, the directors shall cause books to be opened for subscription to said stock, in such manner and at such time and places as they shall direct.
Payment.	
Additional stock.	
Directors.	§ 5. All the corporate powers of said company shall be vested in and exercised by a board of directors, and such officers and agents as they shall appoint. The board of directors shall consist of thirteen stockholders, six of whom shall be resident within fifteen miles of the line of said railroad, as heretofore located, and the remainder of whom may or may not be residents of the state. The board of directors shall be chosen every year by the stockholders, each share having one vote, to be given in person or by proxy, and shall hold their offices until their successors shall be elected and qualified. Vacancies in the board may be filled by a vote of two-thirds of the directors remaining. Such appointees to hold their offices until the next election of directors. Other officers, agents and servants, whether members of the board or otherwise, may be appointed, employed, paid and dismissed, under such rules and regulations as the board of directors may, from time to time, adopt, until the first Wednesday of June, 1853. The board of directors shall consist of William McMurtry, George C. Lanphere, James Bunce, Silas Willard, Chaunce S. Colton, Edwin G. Ellet, Edward Hollister, Amos Ward, Sylvester Blish, Barney M. Jackson, Myrtle G. Brace, William Maxwell and Alfred Brown. Upon the first Wednesday of June, 1853, and annually thereafter, on each first Wednesday of June, shall be held the annual meeting of the stockholders, at which the directors shall be elected. All meetings of the directors shall be at such place as the board may
How chosen.	
Vacancies.	
Board—of whom to consist.	
Meeting.	

appoint, and of the stockholders shall be held at the town of Galesburg, or at some place not more than five miles from the line of said railroad. All meetings of the stockholders, except the annual meeting, shall be called by the directors, and notice of such meeting shall be published at least twenty days before the time appointed for such meeting, in some newspaper published in the vicinity of the railroad. If, at any meeting of the stockholders, a majority of the stock shall not be represented, either by the holders in person, or by proxy, no business shall be done, but the stockholders present may adjourn from day to day, until a majority of the stock is represented at the meeting. ^{Majority of stock to be represented.} Whenever the entire amount of the capital stock, as hereinafter provided, shall have been subscribed, it shall be the duty of the directors then in office to call a meeting of the stockholders, for the purpose of electing new directors. Upon the election and qualification of such newly elected directors, the term of the old directors shall expire, and the newly elected directors shall hold until the regular election at the next annual meeting.

§ 6. The said company shall have power to make, ^{By-laws.} ordain and establish all such by-laws, rules and regulations as may be deemed expedient and necessary to fulfil the purposes and carry into effect the provisions of this act, and for the well ordering, regulating and securing the affairs, business and interest of the company: ^{Provided,} that the same be not repugnant to the constitution and laws of the United States or of this state, or repugnant to this act. The board of directors shall have power to establish such rates of toll for the conveyance of persons or property upon the same, as they shall from time to time, by their by-laws, determine, and to levy and collect the same for the use of the said company. ^{Tolls.} The transportation of persons and property, the width of track, and all other matters and things respecting the use of said road, shall be in conformity to such rules and regulations as the said board of directors shall, from time to time, determine.

§ 7. If any person shall carelessly, wilfully, maliciously ^{Penalties.} or wantonly delay, hinder or obstruct the passage of any carriage on said road or branches, or shall place or cause to be placed any material thereon, or in any way trespass upon, spoil, injure or destroy said road or branches, or any part thereof, or anything belonging or pertaining thereto, or employed or used in connection with its location, survey, construction or management, all persons committing or aiding and abetting in the commission of such trespass or offence, shall forfeit and pay to the said company treble such damages as shall be found before any court of competent jurisdiction; and further, such offender shall be liable to indictment in the county within whose jurisdiction

the offence may be committed, and to pay a fine of not less than thirty nor more than one hundred dollars, to the use of the people of the state of Illinois, or may be imprisoned in the penitentiary for a term not exceeding five years, in the discretion of the court before whom the same shall be tried.

intersections.

§ 8. Said company may construct their said road on or across any stream of water, or water course, road, highway, railroad or canal, which the route of its road shall intersect, but the corporation shall restore the stream, or water course, road or highway thus intersected, to its former state, or in a sufficient manner not to have impaired its usefulness. Whenever the route of the said railroad shall intersect any road or highway, the said company shall have power to change the line of such road or highway, if such change shall be desirable, and shall not impair the usefulness of such road or highway, and the said company may take such additional lands for the construction of such roads or highways as may be deemed requisite by said company. Unless the lands so taken shall be purchased or voluntarily given, compensation therefor shall be ascertained in the manner in this act provided, as nearly as may be, and duly made by said company to the owner or person interested in such lands; the same when so taken to become part of such intersecting road or highway, in such manner and by such time as the adjacent parts of the same highway may be held for highway purposes.

intersecting
companies to
join, &c.

§ 9. And when the route of the said road shall intersect, cross or connect with or run along or upon the line of any other railroad, the said company shall join with such other company in making all necessary turn-outs, sidings, and switch, and other conveniences necessary to further the objects of such connection; and when the route of any other company shall be occupied as aforesaid, just compensation shall be made to such other company for all expenditures made by them in the location of such road, and all connections with other roads as aforesaid shall be made, and facilities in the transshipment of freight and passengers, and interchange of cars afforded by each, over the respective roads, upon fair and equitable terms; and in case the said companies cannot agree upon the amount of compensation to be made therefor, or the points and manner of such crossing and connection, the transshipment of freight and passengers, the interchange of cars, the same shall be ascertained and determined by three commissioners, one to be chosen by each of said companies, and the two so chosen to choose a third, and in case they cannot agree upon the choice of the third person, he shall be appointed by the judge of the district court of the United States for

the district of Illinois, and the decision of the three so chosen to be final.

§ 10. Said company is hereby authorized, from time to time, to borrow such sum of money as may [be] necessary for completing and finishing, or operating their said railroad, and to issue and dispose of their bonds for any amount so borrowed, and to mortgage their corporate property and franchises, or convey the same by deed of trust, to secure the payment of any debt contracted by said company for the purposes aforesaid; and the directors of said company may make the bonds issued as aforesaid convertible into stock, at the option of the holder thereof, at any time not exceeding ten years from the date of such bond.

Power to borrow money.

§ 11. The said company shall prosecute the construction of the said road, with all practicable speed, commencing the construction at or near the northern terminus thereof and shall complete the same to the town of Galesburgh and Henderson, within eighteen months after the said road shall be constructed within fifteen miles of the town of Galesburgh.

Construction.

§ 12. This act shall be deemed a public act, and shall be in force from and after its passage.

APPROVED June 19, 1852.

AN ACT to amend the charter of the city of Pekin.

In force June 19, 1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the city of Pekin is hereby authorized to borrow any sum or sums of money, not exceeding fifty thousand dollars, for the purpose of making a steamboat landing at said city of Pekin, and otherwise improving the city, and issue her bonds for the payment of any money she may borrow, under the provisions of this act.

Power to borrow money.

§ 2. The city council of the city of Pekin is hereby authorized to lay, assess and collect annually, a tax of not exceeding one per cent. on all taxable property, both real and personal, within limits of said city of Pekin, as a revenue for city purposes.

Tax authorized.

§ 3. The city of Pekin shall have power and authority to enact and pass ordinances, not inconsistent with the laws of this state, to suppress and restrain the sale of intoxicating liquors, tipping houses and dram shops, and all fines, forfeitures and penalties that may be assessed and collected from any person or persons, within the city of Pekin, for the violation of any ordinances of the city of

Suppression of the sale of intoxicating drinks.

Pekin, passed or that may hereafter be passed, for the suppression of dram shops or tippling houses in the said city of Pekin, shall accrue to and be paid into the treasury of the said city of Pekin.

§ 4. This act to take effect and be in force from and after its passage.

APPROVED June 19, 1852.

In force August
1, 1852.

AN ACT to incorporate the Chicago Mutual Insurance company.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That from the time this act shall take effect, George Steele, Charles Walker, Thomas Richmond, Edward K. Rogers, Thomas Pyer, Walter S. Gurnee, Julius White, John P. Chapin, Charles L. Harrison, Elisha S. Wadsworth, Jeremiah W. Duncan, William Blair, James Peck, and all other persons who may hereafter associate with them, in the manner herein prescribed, shall be a body politic and corporate, by the name of the Chicago Mutual Insurance company.

Corporators.

General powers.

Special powers.

§ 2 The corporation hereby created may become a party to suits at law, may make by-laws not inconsistent with any existing law, for the regulation of its affairs have and use a common seal and alter the same at pleasure, and in addition to these general powers shall have authority by instrument under seal or otherwise—1st, to make insurance on all descriptions of property, against loss or damage by fire; 2nd, to make insurance on all descriptions of boats and vessels, the cargoes and freight thereof, and on bottomry and respondentia interests, against the perils of marine or inland navigation; 3d, to cause themselves to be reinsured against any risk on which they have made insurance.

Directors.

Term of office.

§ 3. All the corporate powers of the said company shall be exercised by a board of directors, consisting of thirteen persons, (all of whom shall be citizens of this state,) and such officers, clerks and agents as the said board may appoint. The directors shall hold their office two years, and until others are elected. They shall elect from their own body a president and vice president, who shall each respectively hold office during the aforesaid term of two years, and until others are elected, but nothing herein shall be so construed as to prevent a director or other officer, whose term has expired, or is about to expire, from being again eligible. Seven members of the board shall constitute a quorum for the transaction of business.

The persons named in the first section of this act shall constitute the first board of directors. First board.

§ 4. The board of directors shall have power to fill any vacancy that may occur in their own body, a plurality of votes constituting a choice. They shall also choose, in the same manner, previous to the biennial election of directors, three inspectors of such election, whose duty it shall be to canvass the votes cast thereat, and declare the result. The said inspectors shall also be judges of the qualification of voters. Notice of such elections shall be given by publication in one or more daily newspapers published in Chicago, at least two weeks previous thereto, over the signature of an officer of the company. Vacancies.
Notice of elections.

§ 5. Every person or firm taking a policy of insurance from the said company, shall thereupon become a member thereof, and shall, at all elections of directors thereafter, be entitled to vote upon his or their dividend certificates, issued as hereinafter provided, in the ratio of one vote for each twenty-five dollars of such certificates: *Provided*, that if any such election shall be held in accordance with the provisions of this act previous to the first dividend of profits, each member of said company shall be entitled to vote thereat, in the ratio of one vote for every fifty dollars of premium previously paid to the company: *And provided*, that in no case shall any person or firm be entitled to more than fifty votes, except as provided in section 8 of this act. Insured persons to be members of company.
Proviso.
Further provide.

§ 6. It shall be the duty of the corporators named in the first section of this act, or any number of them, not less than five, within two years after this act takes effect, to open books, to receive applications for insurance to be effected by said company, and after the receipt of such applications to the amount of one hundred thousand dollars, the books may be closed and the company organized. Organization.

§ 7. All premiums upon policies issued by said company shall be paid in cash, when the insurance is effected, (except as provided in section 8 of this act,) and no premiums so paid shall be thereafter withdrawn, but shall remain liable for all losses and expenses incurred by the company. Premiums to be paid in cash.

§ 8. For the better security of policy holders, the said company may receive notes for premiums, in advance, approved by the board of directors, from persons intending to receive its policies, and on such portions of said notes as shall exceed the amount of premiums that may have accrued on policies held by the signers thereof, at the successive periods when the company shall make up its annual statement as hereinafter provided, a compensation may be allowed the signers thereof, in consideration of such guaranty, at a rate to be determined by the board of Notes for premiums.

Proviso.

directors, but not to exceed seven per cent. per annum. Such notes shall be entitled to representation at elections of directors, in the same ratio as dividend certificates, and shall be liable for losses whenever the cash premiums theretofore received are insufficient to pay the same: *Provided*, that assessments so made on such notes, shall be reimbursed from the funds of the company, before any dividend of profits shall be made.

Stock policies.

§ 9. It shall be lawful for the said company to issue stock policies (so called) to persons not desirous of participating in the profits or losses of the company, and all gains or losses on such policies shall be passed to the account of profit and loss, on the books of the company.

Investment of funds.

§ 10. It shall be lawful for the said company to invest their funds in bonds and mortgages on unincumbered real estate, worth fifty per cent. more than the sum loaned thereon, and in any stocks created by or under the laws of this state or of the United States, and on bottomry and respondentia, or otherwise, at the discretion of the board of directors, and to change and reinvest the same.

Statement of affairs.

§ 11. By the first day of February, 1854, and annually thereafter, the officers of the company shall cause a true statement of its affairs to be made. They shall estimate the profits (if any) that have accrued on policies issued during the current year ending on the 31st day of December last preceding, and issue certificates thereof to the holders of such policies, in proportion to the amount of premium paid by each. Such certificates shall bear an annual interest of six per cent., and shall be redeemable whenever the accumulated profits exceed one hundred thousand dollars, so far and as fast as the same can be redeemed by such excess; certificates for the first year's profits taking priority, and so on thereafter, in regular succession. Nevertheless each such certificate shall contain a proviso that the sum therein named is liable for future losses at any time previous to its redemption, as provided in the seventh section of this act.

Certificates.

Publication of statement.

§ 12. The annual statement as aforesaid shall be full and complete, and shall be published in one or more daily newspapers in the city of Chicago, for two weeks, immediately after the same shall be made, and on slips, copies of which shall be delivered to members on request.

Suits at law.

§ 13. Suits at law may be prosecuted and maintained by any member, against said corporation, for losses and damages insured against by them, if payment is withheld more than sixty days after the same shall have been duly proven up, and any member of the company, not being in his individual capacity a party therein, shall be deemed a competent witness in any suit against the company. All process

Process.

against the said company may be served upon the president or secretary.

§ 11. The office of the said company shall be located Office. and kept in the city of Chicago. Nothing contained in this act shall be so construed as to confer any banking privileges whatever, nor shall any certificate or evidence of stock or debt be allowed to circulate as money, under the penalty of forfeiture of the charter.

§ 12. This act shall take effect on the first day of Au- Duration. gust, 1852, and continue in force fifty years, but may at any time be altered, amended or repealed by the legislature of the state of Illinois.

APPROVED JUNE 19, 1852.

AN ACT to legalize the incorporation of the city of Bloomington and the In force June 19, official acts of the mayor and the city council of said city, and to appropriate 1852. fines and forfeitures incurred within the limits of said city.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the incorporation of the town of Bloomington, in McLean county, as a city, on the nineteenth day of February, A. D. one thousand eight hundred and fifty, in pursuance of the fifth section of an act entitled "An act to incorporate towns and cities," passed February tenth, one thousand eight hundred and forty-nine, be and the same is hereby legalized. Incorporation legalized.

§ 2. That all the official acts of the city council and mayor, or either of them, of said corporation, done since the election of its members, and which, in case of the original legality of said incorporation, would have been according to law up to the period when this act shall take effect, be and the same are hereby legalized. Official acts legalized.

§ 3. That hereafter all fines and forfeitures collected for penalties incurred within the incorporated limits of the said city of Bloomington, shall be paid into the treasury of said city by the officers collecting the same. Penalties to be paid into the city treasury.

§ 4. This act shall be in force from and after its passage.

APPROVED JUNE 19, 1852.

In force June 19, 1852. AN ACT in addition to an act entitled "An act to authorize the construction of a bridge across the Illinois river," approved January 26, 1847.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That said corporation shall be known by the name and style of the Peoria Bridge Association, and by that name and style shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever.

Mod. of serving process. § 2. The mode of serving process, in any suit or proceeding against said corporation, shall be by delivering a copy of the writ or process to the secretary of said corporation, at least ten days before the term or sitting of the court to which the same shall be made returnable.

Extension of bridge. § 3. The said corporation shall have the right to extend said bridge on the present road, as laid out, for a distance of one mile from where the said bridge now terminates, either by tressel work or by throwing up the earth and planking the same: *Provided*, that said corporation shall not demand or receive any more tolls than is now allowed by the charter to which this is an amendment.

Proviso. § 4. This act to take effect from and after its passage.

APPROVED June 19, 1852.

In force June 19, 1852. AN ACT to change the name and further amend the charter of the Alton and Sangamon Railroad Company.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the Alton and Sangamon Railroad company, incorporated by an act entitled "An act to construct a railroad from Alton, in Madison county, to Springfield, in Sangamon county," approved February 29th, 1847, be and are hereby authorized to extend their said railroad from the termination of the extension of the said Alton and Sangamon railroad from Springfield to Bloomington, in McLean county, from Bloomington, by the most eligible route, to connect with the Chicago and Rock Island railroad, at a point upon said Chicago and Rock Island railroad not west of Ottawa, in La Salle county, nor east of Joliet, in Will county; and for the purpose of such extension, said Alton and Sangamon Railroad company shall be and are hereby declared to possess all the powers, and be subject to all restrictions, contained in the original act of incorporation, and acts amendatory of the same. The said company shall have the option to extend their said railroad from said town of Bloomington

to the city of Chicago, by way of Joliet, in Will county, upon the most direct and practicable route, if said company shall so desire; but if said company construct said railroad to Chicago, it shall not connect with any railroad running east, to the state of Indiana, north of Ottawa, until after said road shall touch the limits of said city of Chicago. Said company are hereby expressly prohibited from connecting with any road running east, out of this state, or any branch running east out of the state, from any point north of Ottawa, except and only through Chicago, and all right to any such eastward connection or branch leading east from any point north of Ottawa, except through Chicago, is withheld from and expressly denied to said company: *Provided, however*, the prohibition above named Proviso. shall not prevent said company crossing any railroad between Bloomington and Chicago.

§ 2. The name of said company is hereby changed and declared henceforth to be "The Chicago and Mississippi Railroad company," and by and under that name said corporation shall be henceforth known and have its corporate existence, and hold and be possessed of all the rights, powers and privileges granted to the Alton and Sangamon railroad company, in the original charter of said company, as also under the amendments made to said charter, and shall be and become vested with all the property and estate of every kind whatsoever vested in the name of said Alton and Sangamon Railroad company, and become liable to all the restrictions, contracts and obligations made or incurred in their original name; and all suits now pending or liabilities accrued, or agreements made in said original name, shall proceed or continue to be enforced without any delay on account of said alteration, upon the suggestion of the change of name being entered of record, in any court where any such agreements, liability or right may be now pending or hereafter sought to be enforced. The capital stock of said company may be increased to such sum of increase of stock. money as may be deemed necessary to construct, finish and maintain said extension: *Provided, however*, that the entire capital stock of said company shall not exceed three Proviso. millions five hundred thousand dollars; and said company shall have authority to increase the number of their directors, not exceeding four, in addition to those already provided for.

§ 3. It shall be lawful for the said company to unite Union with other roads. with any other railroad company which may have been, or may hereafter be incorporated by this state, and to grant to any such company the right to construct and use any portion of the road authorized to be constructed by any of the amendments of the original charter of the Alton and Sangamon Railroad company thereto made or to be made, upon

Construction of
boats.

such terms as may be mutually agreed upon between the said companies, and the said Chicago and Mississippi Railroad company shall have power to take, use and make arrangements for the transportation of freight and passengers, carried or to be carried upon said railroad or otherwise, from Alton to St. Louis, Missouri, and for this purpose to construct, own and use such boat or boats as may be necessary.

Notice of pro-
ceedings to con-
demn land.

§ 4. That previous to any application being made to the governor for the appointment of commissioners, as provided in the eleventh section of the original charter to which this is an amendment, it shall be the duty of the commissioners to give notice to those interested in the land over which the said railroad company desires to obtain the right of way; which notice shall be in writing, specifying the time when such application is to be made to the governor, and shall be served upon the owners and those interested in said land, by the commissioners of said company, or by any sheriff or constable of the county in which said persons reside, in the same way as service of process in chancery: *Provided*, said owners, or those interested, are residents of the state of Illinois, or in case said owners, or those interested, shall be non-residents of the state of Illinois, then such notice may be given by publication in a newspaper published in the county where said lands lie, or in case there is no newspaper published in the county, then the nearest newspaper published in this state. Said publication shall contain the names of the parties interested in said lands, the description of the lands, and the time when application is to be made to the governor for the appointment of commissioners as aforesaid, and shall be made for four successive weeks, the first of which shall be made at least thirty days before said application is to be made.

Proviso.

Publication.

Certified copies.

§ 5. That copies of all papers, books or proceedings whatsoever, or parts thereof, appertaining to the transactions of said railroad company, or to the proceedings heretofore had in connection with the organization of the original company by the commissioners, or since had by said railroad company, certified to be true copies by the clerk or keeper of the same, under the seal of said corporation, the said clerk or keeper also certifying that he is entrusted with the safe keeping of the originals of which he gives certified copies, shall be received as *prima facie* evidence of the facts so certified, in all the courts of this state, in any suit or proceedings pending before them, without any proof of the identity of said clerk or keeper of the original papers, books or proceedings as aforesaid.

Loans.

§ 6. For the purpose of facilitating the construction of the railroad authorized by this act, the said corporation is and shall be permitted to negotiate a loan or loans of money, to the

amount of its capital stock, and to pledge all of its property, real and personal, and all of its rights, credits and franchises, for the payment thereof.

APPROVED June 19, 1852.

AN ACT to change the name of Myron Lodge, No. 1, of the Old Free Order of Chaldea, of the city of Chicago, Cook county, Illinois, to the name of "Myron Grand Lodge." In force June 19, 1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That from and after the passage of this act the name of Myron Lodge, No. 1, of the Old Free Order of Chaldea, of the city of Chicago, Cook county, Illinois, be changed and known in law and equity, by that of Myron Grand Lodge, No. 1, of the Old Free Order of Chaldea, of the state of Illinois. Name changed.

§ 2. Nothing shall be so construed in this act as to prejudice or affect the rights of any person or persons, by the change of the name of said lodge, but all contracts, privileges and immunities which have accrued previous to the passage of this act, shall be carried out as effectually as if this act had not been passed. Rights reserved

APPROVED June 21, 1852.

AN ACT to amend "an act to incorporate a Literary and Theological institution of the Evangelical Lutheran Church of the Far West, to be located in Hillsboro, Montgomery county, Illinois," approved January 22, 1847. In force June 21, 1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That John T. Stuart, James C. Conkling, Richard V. Dodge, Elijah Iles and Simeon W. Harkey, together with L. P. Estjorn, E. J. Donmyer, C. B. Thummre, J. P. Lilley, N. J. Stroh, Ephraim Miller, A. A. Trimper, Edmund Miller, Absalom Cress, David Gregory, Jacob Cress, jr. and Francis Springer, being the trustees of the Literary and Theological Institute at Hillsboro, Illinois, approved January 22, 1847, be and they are created a body corporate and politic, for the purpose of founding and maintaining in or near the city of Springfield, Illinois, an institution of learning, to be known by the name of the Illinois State University. Additional trustees.

§ 2. Said corporation shall be known by the name and style of the Board of Trustees of Illinois State University, Corporation.

G. A. Taylor, Secy.

and by that style and name remain and have perpetual succession, with power to sue and be sued, plead and be impleaded; to acquire, hold and convey property, real personal or mixed, in all lawful ways; to have, use and alter at pleasure a common seal; to fill all and every vacancy or vacancies occurring in their body, by death, resignation or otherwise; to make alter and establish, from time to time, such constitution, rules, by-laws and regulations as they may deem necessary for the good government of said corporation and the proper management of the institution under their control: *Provided*, such constitution, rules, by laws or regulations be not inconsistent with the constitution and laws of this state or of the United States.

Trustees.

Board of Trustees.

Quorum.

§ 3. The number of persons constituting said board of trustees shall never exceed thirty-one, twelve of whom shall constitute a quorum for the transaction of business, at any regular or special meeting, duly notified and assembled.

Departments.

Provision.

§ 4. Said corporation may establish separate departments of the learned professions, the sciences and arts, including, besides the usual departments of theology, medicine and law, a department of mechanical philosophy, and also of agriculture, and shall assign to each department a competent faculty of instruction: *Provided*, that the instructor or instructors, professor or professors, constituting the faculty of theology, shall always be appointed by the Lutheran Synods of Illinois, or so many of them now existing, or hereafter organized, as shall render pecuniary aid in support of said university.

Certificate of scholarship.

§ 5. Said corporation may issue certificates of scholarship, limited or perpetual, upon such terms as the corporation and the party contracting for the scholarship shall agree, and the benefit of such scholarship shall inure to the holder thereof, his or her heirs or assigns, so long as the covenants therein agreed to by the person or persons contracting for or lawfully owning such scholarship, shall continue to be faithfully performed, and no longer, except at the option of the corporation.

Faculty.

§ 6. The professors, or a majority of them, duly appointed in said university, as provided for in section four (4) of this act, shall constitute a faculty, with power to enforce the laws, rules and regulations enacted by the board of trustees for the government and discipline of the students; to suspend or expel such of them as may, in their judgment, deserve it, and to grant and confirm by the consent of the board of trustees, such degrees in the liberal arts and sciences, or such branches thereof, to students or others, whom, by their proficiency in learning, and other meritorious distinctions, they shall regard as entitled to them, as it has been usual to grant in other universities

and colleges, and to grant to such graduates diplomas or certificates under their common seal, to authenticate and perpetuate such graduation.

§ 7. No misnomer of said corporation shall defeat or annul any gift, grant, bequest or devise, to or for said corporation, for the use and benefit of [the] Illinois State University, or any department thereof: *Provided*, the intent of the party or parties making such grant, gift, devise or bequest be sufficiently manifest.

§ 8. So much of the act to which this is an amendment as is inconsistent herewith, is hereby repealed, but all rights acquired and responsibilities incurred under said original act are hereby preserved.

This act to be in force from and after its passage.

APPROVED June 21, 1852.

AN ACT to amend an act entitled "an act to incorporate the Mississippi and Rock River Junction Railroad company." In force June 21, 1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the third section of an act to incorporate the Mississippi and Rock River Junction Railroad company, approved on the 15th day of February, A. D. 1851, be and the same is hereby so amended that the capital stock of said corporation may, at any time hereafter, be increased to a sum not exceeding eight hundred thousand dollars, if the same shall be judged necessary, and to be subscribed for and taken in such manner as is in and by said act of incorporation provided.

§ 2. It shall be lawful for said company to unite with any other railroad company, which may have been or which may hereafter be incorporated by this state, and to grant to any such company the right to construct and to use any portion of the road (by the act to which this is an amendment,) authorized to be constructed upon such terms as may be mutually agreed upon between the said companies.

APPROVED June 21, 1852.

In force June 21,
1852.

AN ACT to incorporate the Winnebago County Agricultural Society.

Corporators.

Style.

General powers.

By-laws.

Officers.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That William Bebb, William Kerlin, George Haskell, Wait Talcott, James S. Norton, Horace Miller, Selden M. Church, Luman Pettibone, Ezra S. Cable, Robert J. Cross, Newton Crawford, Hampton P. Sloan, Sylvester Talcott, Shepherd Leach, and all such other persons as shall from time to time become members of said society, are hereby incorporated, and shall be a body corporate and politic, by the name and style of the "Winnebago County Agricultural Society," and under that name shall be capable of suing and being sued, pleading and being impleaded in all courts, both of law and equity, in this state, and may have and use a common seal, and the same to alter and amend at pleasure, and by their corporate name and style shall be capable in law of contracting and being contracted with, and of acquiring, by purchase or otherwise, and of holding and conveying real and personal estate, either in fee or for a term of years, provided the clear annual value of such real and personal estate shall at no time exceed two thousand dollars per annum; and they and their successors shall at all times have full power and authority to ordain, make and establish such by-laws, rules and regulations as they shall judge proper for the better government and regulation of the officers and members of said society, and for ascertaining an equal annual rate of contribution to be paid by the members thereof, in aid of the funds of said society, and for prescribing the time, place and manner of holding the annual fair of said society, and the rules regulating the same. Such by-laws not to be inconsistent with the laws of this state.

§ 2. That for the better carrying on the business and affairs of said corporation, there shall be annually elected, on the first Monday of October of each year, a president, two vice presidents, treasurer, secretary, and an executive committee of five persons, who shall hold their office for one year and until their successors are elected and qualified. That William Bebb shall be the first president, George Haskell and Robert J. Cross the first vice presidents, Selden M. Church the first treasurer, Newton Crawford the first secretary, and Horace Miller, Sylvester Talcott, James S. Norton, Hampton P. Sloan and Shepherd Leach the first executive committee, and shall severally hold their offices until their successors are elected and qualified.

§ 3. This act shall be in force from and after its passage.
APPROVED June 21, 1852.

AN ACT fixing the time of holding the courts in the thirteenth judicial circuit. In force June 21, 1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the circuit courts in the thirteenth judicial circuit shall be held Terms regulated. in the respective counties composing said circuit at the following times, viz:

In the county of Kane, on the second Mondays of February, May, August and November. Kane.

In the county of McHenry, on the third Mondays of January, March and second Monday in September. McHenry.

In the county of Boone, on the third Monday in April and first Monday in October. Boone.

In the county of De Kalb, on the first Monday in April and third Monday in October. De Kalb.

§ 2. All writs, subpoenas, recognizances, and all other Process, &c. process which may have been or may be issued and made returnable to the terms of court in said counties, as heretofore required to be holden, shall be deemed and taken to be returnable to said terms of court as in this act is required to be holden; and all notices which may have been given, either by publication or otherwise, with reference to the terms of court as heretofore required to be holden, shall, by force of this act, refer to the terms of the court required to be holden under this act in said counties; and all proceedings pending in said courts shall be taken up and disposed of as if no alterations had been made in the times of holding courts in said counties.

§ 3. This act to take effect and be in force from and after its passage.

APPROVED June 21, 1852.

AN ACT to incorporate the Mercy Hospital and Mercy Orphan Asylum of Chicago. In force June 21, 1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Margaret O'Brien, Mary Ann McGirr, Ellen Reilly, Mary Moniholland, Mary Kilday and Catharine Grogan, and their successors, be and they are hereby created a body politic and corporate, under the name and style of the "Mercy Hospital and Mercy Orphan Asylum of Chicago;" and henceforth shall be styled and known by that name; and by that name, and style to remain and have perpetual succession, with power to sue and be sued, plead and be impleaded, to acquire, hold and convey property, real, personal General powers.

Proviso.	and mixed, in all lawful ways; to have and use a common seal, and to alter the same at pleasure; to make and alter, from time to time, such by-laws as they may deem necessary for the government of said institution, their officers and servants: <i>Provided</i> , such by-laws are not inconsistent with the constitution and laws of this state and of the United States.
Vacancies.	§ 2. Said corporation shall have power to fill such vacancies in their own body as may happen by death, resignation, or otherwise, and shall hold the property of said institution solely for the purposes of supporting and maintaining them, and not as a stock for the individual benefit of themselves, or of any contributor to the endowments of the same; and no particular religious faith [shall] be required of those who are admitted to have the charitable relief of said institutions.
Use of property.	§ 3. Said institutions shall remain located in or near the city of Chicago, Cook county, and the corporators and their successors shall be competent in law and equity to take to themselves, in either of their said corporate names, real, personal or mixed estate, by gift, grant, bargain and sale, conveyance, will, devise or bequest, of any person or persons whomsoever, and the same estate, whether real or personal, to grant, bargain, sell, convey, demise, let, place out at interest, or otherwise dispose of the same, for the use of the said institutions, in such manner as to them shall seem most beneficial to said institutions. Said corporation shall faithfully apply all the funds collected or the proceeds of the property belonging to either of said institutions, according to their best judgment, in erecting suitable buildings, supporting necessary officers and servants, and procuring furniture, medicines, instruments, and other apparatus necessary for the success of said institutions: <i>Provided, nevertheless</i> , that in case any donation, devise or bequest shall be made for particular purposes, accordant with the design of said institutions, and the corporation shall accept the same, every such donation, devise or bequest shall be applied in conformity with the express conditions of the donor or devisor: <i>Provided, further</i> , that said corporation shall not be allowed to hold more than one thousand acres of land at any one time, unless the said corporation shall have received the same by gift, grant or devise, and in such case they shall be required to sell or dispose of the same within ten years from the time they shall acquire such title, and on failure to do so, said land, over and above the before named one thousand acres, shall revert to the original donor, grantor, devisor or their heirs.
Location.	
Acquirement of property.	
Disposal of property.	
Buildings.	
Proviso.	
Further proviso.	
Treasurer to give bond.	§ 4. The treasurer of the institutions, and all other agents, when required, before entering upon the duties of their appointment, shall give bonds for the security of the

corporation, in such penal sums and with such securities as the incorporators shall approve, and all process against the corporation shall be by summons, and the service of the same shall be by leaving an attested copy thereof with the treasurer, at least sixty days before the return day thereof.

§ 5. The corporation shall have power to employ and appoint a president or directress, for either of said institutions, and all such officers and servants as may be necessary, and shall have power to displace any or each of them, as the interests of the institutions require, to fill vacancies which may happen by death, resignation or otherwise, among said officers and servants, and to prescribe and direct the mode of governing and conducting said institutions.

§ 6. Should the corporation at any time act contrary to the provisions of this charter, or fail to comply with the same, upon complaint being made to the circuit court of Cook county, a *scire facias* shall issue, and the circuit attorney shall prosecute in behalf of the people of this state for a forfeiture of said charter.

This act shall be a public act, and shall be construed liberally in all courts, for the purposes hereinbefore expressed.

APPROVED June 21, 1852.

AN ACT to incorporate the Saint George's Society of Illinois.

In force June 21,
1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the present members of the Saint George's Society of Illinois, now held at Chicago, Cook county, and such other persons as may hereafter be duly admitted members of said society, according to the rules and regulations thereof, be and they are hereby declared and constituted a body politic and corporate, under the name and style of "Saint George's Society of Illinois;" and henceforth shall be styled and known by that name, and by that style and name shall remain and have perpetual succession, with power to sue and be sued, plead and be impleaded, prosecute and defend in all manner of actions, at law or in equity, in all places wheresoever where legal or equitable proceedings are had; to acquire, purchase, hold, sell, alien and convey any property, whether real, personal or mixed; to loan the money and funds of said society, and take promissory notes or other evidences of indebtedness for the money or funds so loaned; to have

Incorporation.

Style.

General powers.

Proviso.

and use a common seal, and to alter the same at pleasure; to make and from time to time alter such constitution and by-laws as they may deem proper or expedient for declaring the purposes, defining and limiting the powers, or promoting the objects of the said society, or creating, electing or appointing its officers: *Provided*, that such constitution and by-laws shall not conflict with the constitution and laws of this state and of the United States.

Limitation of property.

§ 2. The said corporation shall not, at any one time, hold personal property to an amount exceeding fifty thousand dollars, nor real estate to an extent exceeding five hundred acres. The personal property belonging to said society shall not be appropriated otherwise than for the benefit of said society, the improvement of its real estate, and to such benevolent and other purposes, and in such manner as shall be declared provided for and directed in and by the constitution and by-laws hereinbefore authorized to be made.

Location.

§ 3. The offices and meetings of said institution shall be and remain in the city of Chicago, Cook county; and in case any donation, devise or bequests all be made to said society for particular purposes, in accordance with the designs of said society, and said corporation shall accept the same, every such donation, devise or bequest shall be applied in conformity with the express conditions of the donor or testator.

APPROVED June 21, 1852.

In force Aug. 22, 1852. AN ACT to incorporate the Ottawa, Oswego and Fox River Valley Railroad company.

Corporators.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That M. C. Town, George Harvey, William C. Kimball, Orsemas Wilson, Daniel S. Gray, of the county of Kane; Lewis B. Judson, Nathaniel Rising, William Noble Davis, Samuel Jackson, Samuel Roberts, John L. Clark and Johnson Mesner, of the county of Kendall; Robert Rowe, William L. F. Jones, William Sly, Daniel Blake, David Greene, George E. Walker, Theophilus L. Dickey, William H. W. Cushman, J. G. Nallinger, John Palmer, George H. Norris, of the county of La Salle, and their associates, successors and assignees, are hereby created a body corporate and politic, under the name and style of the "Ottawa, Oswego and Fox River Valley Railroad company," for the term of eighty years; and by that name may be and are hereby

Style.

made capable, in law and in equity, to sue and be sued, plead and be impleaded, defend and be defended, in any court of law and equity in this state, or in any other place; to make, have and use a common seal, and the same to renew and alter at pleasure, and shall be and are hereby vested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purpose and objects of this act, as hereinafter set forth; and the said company are hereby authorized and empowered to locate, construct and finally complete a railroad from the town of Ottawa, in La Salle county, to the town of Elgin, in Kane county, by way of the village of Oswego, in Kendall county, running along the Fox River Valley, by the most direct and eligible route, having due regard to the interests of the town and village on and near to Fox River. And also from the said town of Ottawa, running in a southerly direction to any point on any railroad running northerly from Bloomington, in McLean county, or to any point on the Alton and Sangamon railroad, or both: *Provided*, in case the name of the said Alton and Sangamon Railroad company shall be changed, the new name shall apply to the provisions of this bill, and the name of said Alton and Sangamon Railroad company as changed shall be considered and held to be its name, under the provisions of this act, and for this purpose said company are authorized, upon the most eligible and direct route, to lay out their said railroad wide enough for a single or a double track through the whole length, and for the purpose of cutting embankments, stone, and gravel, may take as much more land as may be necessary for the proper construction of and security of said railroad.

§ 2. The capital stock of said company shall consist of one million of dollars, and may be increased to two million of dollars, to be divided into shares of one hundred dollars each. The immediate government and direction of said company shall be vested in eleven directors, who shall be chosen by the stockholders of said company, in the manner hereinafter provided, who shall hold their offices for one year after their election, and until others shall be duly elected and qualified to take their place as directors; and the said directors, a majority of whom shall form a quorum for the transaction of business, shall elect one of their number to be the president of the company; that said board of directors shall have power to appoint all necessary clerks, secretary and other officers necessary in the transaction of the business of said company.

§ 3. The said corporation is hereby authorized, by their agents, surveyors and engineers, to cause such examination and surveys to be made of the ground and country between the said several points and places hereinbefore

General powers.

Route.

Proviso.

Capital stock.

Directors.

President.

Other officers.

Preliminary survey.

Right of way.

Proviso.

indicated, as shall be necessary to determine the most advantageous route for the proper line or course wherein to construct their said railroad, and it shall be lawful for said company to enter upon and take possession of and use all such lands and real estate as may be necessary for the construction and maintenance of their said railroad: *Provided*, that all lands or real estate entered upon or taken possession of and used by said corporation, for the purposes and accommodations of said railroad, or upon which the site for said railroad shall have been located or determined by the said corporation, shall be paid for by said company, in damages, if any be sustained by the owner or owners thereof, by the use of the same for the purposes of said railroad; and all the lands entered upon and taken for the use of said corporation which are not donated to said company, shall be paid for by said corporation at such price as may be mutually agreed upon by the said corporation and the owner or owners of such land; and in case of disagreement the price shall be estimated, fixed and recovered in the manner provided for taking lands for the construction of public roads, canals or other public works, as provided by the act concerning right of way, approved March 3, 1845.

Penalties.

§ 4. If any person shall wilfully, maliciously or wantonly, and contrary to law, obstruct the passage of any car on said railroad, or any part thereof, or anything belonging thereto, or shall damage, break or destroy any part of said railroad, or implements or buildings, he, she or they, or any person assisting, shall forfeit and pay to said company, for every such offence, treble the amount of damages that shall be proved, before any competent court, shall have been sustained and been sued for in the name and in behalf of said company; and such offender or offenders shall be deemed guilty of a misdemeanor, and shall be liable to an indictment, in the same manner as other indictments are found, in any county or counties where such offence shall have been committed, and upon conviction, every such offender shall be liable to a fine not exceeding five thousand dollars, for the use of the county where such indictments may be found.

Annual meetings.

§ 5. The time of holding the annual meetings of said company, for the election of directors, shall be fixed and determined by the by-laws of said company, and at all meetings each stockholder shall be entitled to a vote, in person or by lawful proxy, one vote for each share of stock he, she or they may hold, *bona fide*, in said company.

Commissioners.

§ 6. The persons named in the first section of this act are hereby appointed commissioners, who, or a majority of whom, are hereby authorized to open subscription books for said stock, at such places as they may deem proper, and shall keep said books opened until at least the sum of

fifty thousand dollars of said capital stock shall be taken. Said commissioners shall require each subscriber to pay two dollars on each share subscribed, at the time of subscribing. When such amount shall have been subscribed the said commissioners shall call a meeting of the stockholders, by giving thirty days' notice, in some newspaper in the said town of Ottawa, in La Salle county, and at such meeting it shall be lawful to elect the directors of said company, and when the directors of said company are chosen the said commissioners shall deliver said subscription book, with all sums of money received by them as commissioners, to said directors. No person shall be a director in said company except he be a stockholder.

§ 7. That the right of way and the real estate purchased for the right of way by said company, whether by mutual agreement or otherwise, or which shall become the property of the company by operation of law, as in this act provided, shall, upon the payment of the amount of money belonging to the owner or owners of said lands as a compensation for the same, become the property of said company, in fee simple.

§ 8. The said corporation may take and transport upon said railroad, any person or persons, merchandise or other property, by the force and power of steam or animals, or any combination of them, and may fix, establish, take and receive such rates of toll for all passengers and property transported upon the same, as the said directors shall from time to time establish; and the directors are hereby empowered and authorized to make all necessary rules, by-laws, regulations and ordinances that they may deem necessary and expedient to accomplish the designs and purposes, and to carry into effect the provisions of this act, and for the transfer and assignment of its stock, which is hereby declared personal property, and transferable in such manner as shall be provided by the by-laws and ordinances of said company.

§ 9. The directors of said company, after the same is organized, shall have power to open books in the manner prescribed in the sixth section of this act, to fill up the balance of the capital stock, or any part thereof; and the amount the aforesaid company is authorized to increase the capital stock to, by the second section of this act at such time as they may deem it for the interest of said company, and all the instalments required to be paid in the stock originally to be taken, and what may be taken, to increase said capital, shall be paid at such times and in such sums as said directors may prescribe.

§ 10. In case of the death, resignation or removal of the president, vice president or any director, at any time between the annual elections, such vacancy may be filled

for the remainder of the year, whenever they may happen, by the board of directors; and in case of the absence of the president and vice president, the board of directors shall have power to appoint a president *pro tempore*, who shall have and exercise such powers and functions as the by-laws of said corporation may provide. In case it should at any time happen that an election shall not be made on any day on which, in pursuance of this act, it ought to have been made, the said corporation shall not, for that cause, be deemed dissolved, but such election shall be held at any other time directed by the by-laws of said corporation.

§ 11. That when the lands of any *femmes covert*, persons under age, *non compos mentis*, or out of the state, shall be taken in the construction of said railroad, as is provided by this act, the said corporation shall pay the amount that shall be awarded as due to the said last mentioned owners, respectively, whenever the same shall be lawfully demanded, together with six per cent. per annum. That to ascertain the amount to be paid to the persons in this section, for lands taken for the use of said corporation, it shall be the duty of the circuit judge of the court of the counties through which said railroad passes, upon notice given to him by the said corporation, to appoint three commissioners, to be persons not interested in the matters to be determined by them, to determine the damages which the owner or owners of the land or real estate so entered upon by the said corporation, has or have sustained by the occupation of the same; and it shall be the duty of said commissioners, or a majority of them, to deliver to said corporation a written statement of the award or awards they shall make, with a description of the lands or real estate appraised, to be recorded by the said corporation in the clerk's office of the county in which the land or real estate so appraised shall be, and then the said corporation shall be deemed to be seized and possessed of the fee simple of all such lands or real estate as shall have been approved by the said commissioners.

§ 12. Whenever it shall be necessary, for the construction of said railroad, to intersect or cross a track of any other railroad, or any stream of water or water course, or road or highway, lying in the route of said road, it shall be lawful for the company to construct their railroad across or upon the same: *Provided*, that the said company shall restore the railroad, stream of water, water course, road or highway thus interested or crossed, to its former state, or in a sufficient manner not materially to impair its usefulness.

§ 13. Said company shall have the power to unite its railroad with any other railroad now constructed, or which may hereafter be constructed in this state, upon such

terms as may be mutually agreed between the companies so connecting, and for that purpose full power is hereby given to said company to make and execute such contracts with any other company, as will secure the objects of such connection, and the said corporation shall have power to consolidate its stock with any other railroad company.

§ 14. Said company is hereby authorized, from time to time, to borrow such sum or sums of money as may be necessary for completing and finishing or operating their said railroad, and to issue and dispose of their bonds in denominations of not less than five hundred dollars, for any amount so borrowed, and to mortgage their corporate property or franchises, or convey the same by deed of trust to secure the payment of any debt contracted by the said company, for the purposes aforesaid. And the said directors of said company may confer on any bondholder of any bond issued for money borrowed, the right to convert the principal due or owing thereon into stock of said company, at any time not exceeding ten years from the date of the bond, under such regulations as the directors of said company may see fit to adopt. Power to borrow money.

§ 15. The width of said railroad to be determined by the said corporation within the limits prescribed by the first section of this act, and they are hereby authorized to commence work on any point of said railroad that may be considered most expedient. Width of road.

§ 16. This act shall be in force the period of eighty years, and said company shall commence said work within four years, and complete the same within twelve years from the passage of this act. Period of existence.

§ 17. This act shall be deemed and taken as a public act, and shall be construed beneficially for all purposes herein set forth. Public act.

APPROVED June 21, 1852.

AN ACT to authorize Henry Marfield to keep a ferry across the Mississippi river, in Jo Daviess county. In force June 21, 1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That Henry Marfield, of the county of Jo Daviess, his heirs and assigns, shall have the right, and he is hereby authorized, to establish, keep and maintain a ferry across the Mississippi river, from any point between the jurisdiction of the states of Illinois and Wisconsin, in Jo Daviess county, state of Illinois, on the Mississippi river, to the ferry known as Jordan* Ferry authorized.

ferry, to any point within the same distance on the opposite side of said Mississippi river in the state of Iowa. And said Marfield, his heirs and assigns, shall have the exclusive right of having, maintaining and using a ferry across the river within the distance aforesaid, and to have and receive all advantages and emoluments arising from the use of said ferry, for and during the period of twenty years: *Provided, however,* that the Jo Daviess county court shall have the right to assess an annual tax on said ferry not exceeding ten dollars. And this act shall be deemed a contract between the state of Illinois and said Marfield, his heirs or assigns agreeing, on his or their part, in consideration of the privileges granted, to keep the said ferry when necessary for the traveling public, and use the same according to the laws of this state regulating ferries.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED June 21, 1852.

In force June 21,
1852.

AN ACT to incorporate the Jerseyville Building Association.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Anderson M. Blackburn, Charles H. Roberts, Charles Jackson, Wright Casey, Samuel McGill, C. H. Knapp, Robert L. Hill, Alexander B. Morean, and all such other persons as are or shall become subscribers of the stock hereinafter named and mentioned, shall be and they are hereby constituted a body politic and corporate, by the name and style of "The Jerseyville Building Association," and by that name and style they and their associates and successors are hereby made as capable as natural persons to contract and be contracted with, to sue and be sued, to plead and be impleaded in all courts of law and equity, and make and use a common seal and to alter the same at pleasure; to acquire by purchase or other ways, and hold all kinds of estate and property that may be necessary to accomplish the objects of said association, and to convey the same and such property as may now be held in trust for the members thereof; to form a constitution and by-laws for their government, the appointment, number and duties of the officers, the transfer of stock, the manner of making loans and taking security therefor, and the manner of conveying and holding property: *Provided,* the same shall not be inconsistent with the constitution and laws of this state and of the United States. The objects of this

association shall be to accumulate a fund, by the savings of objects, the members, and the loan the same to the stockholders of the association, so as to enable each stockholder to purchase a lot and build or purchase a house, and thus provide himself with a home. The capital stock of the association shall consist of not exceeding five hundred shares, of two hundred dollars each, of which no one stockholder shall own more than ten shares. The board of directors shall have power to award loans to stockholders only, at the highest premium that may be bid therefor, at public auction, with interest at the rate of nine per centum per annum, and to take security therefor.

§ 2. Upon the adoption of the constitution and by-laws, and filing the same with the clerk of the circuit court of Jersey county, whose duty it shall be to record the same, the election of officers, the awarding of loans, and all other acts done in furtherance of the objects of said association not inconsistent with the constitution and laws of this state, are hereby declared legal and valid, and all property belonging in and to the members of said association is hereby declared to be vested in said corporation.

Approved June 21, 1852.

AN ACT for the relief of Tuthill King.

In force June 25
1852.

Whereas Tuthill King, of the city of Chicago, was, on or about the twelfth day of November, in the year of our Lord one thousand eight hundred and fifty, the owner of two canal bonds, since registered under the canal loan for the completion of that work; that one corner only has been cut from each of said bonds, and that there has been paid by way of interest, upon said bonds, in addition to the said coupons, the sum of thirty-five dollars and eighty-seven cents, at different times; that said bonds were Illinois Michigan canal lands, numbered 1002 and 1003, for two hundred and twenty-five pounds sterling, each, with yearly coupons of and from July, A. D. 1848, which were stolen from said Tuthill King, and destroyed by the person who had stolen the same; therefore,

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That whenever the said Tuthill King, his heirs or assigns, shall execute a good and sufficient bond, in the sum of four thousand dollars, payable to the state of Illinois, with such securities as shall be approved by the governor and secre-

Bond to be filed.

New evidence of
indebtedness to
be issued by gov-
ernor.

tary of state, and conditioned for the full indemnity of the state against the production, payment or liability in any manner whatever, by reason of the above described bonds, and file the said bond in the office of the secretary of state, the governor be and he is hereby authorized and required to issue a certificate or certificates of state indebtedness for the amount of the said above described bonds, and of the coupons attached, less one coupon of thirty dollars, and the interest of thirty-five dollars and eighty-seven cents, as above described; which certificates shall express upon their face,—“Certificate No. —, for Illinois Michigan canal bond, No. —, stolen from Tuthill King and destroyed;” which said certificate or certificates shall be of the same force and effect of the said bonds, and entitle the holders thereof to the same rights, privileges and payments, in all respects whatsoever, as though they were the holders of original bonds.

This act to be in force from and after its passage.

APPROVED June 21, 1852.

In force June 21, 1852. AN ACT to authorize the county of Kendall to borrow money, for the purposes therein specified.

Bonds.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That for the purpose of subscribing stock to the Ottawa, Oswego and Fox River Valley railroad, the county court of Kendall county shall execute and deliver to the said company, or shall sell in the market at par, the bonds of the said county, for an amount not exceeding the sum of twenty-five thousand dollars, and payable at any time not less than ten nor more than fifteen years from the date thereof, at a rate of interest not exceeding ten per cent.; and the supervisors of said county shall make provision for the payment, annually, of such interest as shall fall due on the same, by adding to the annual assessment an amount sufficient to cover such interest, which shall be specially set apart for that purpose, and collected in such funds as will be received on the same at par.

Increase of tax.

Vote of the people to be taken.

§ 2. Such bonds shall not be issued until such loan shall be authorized by a vote of the people of Kendall county, in the following manner: Whenever an application for an election shall be filed with the clerk of the county court, signed by at least one hundred of the inhabitants, voters of the said county, the said clerk shall issue notices, as in other cases of special elections, for an election, fix-

Manner of voting.

ing the time and place of holding the same, not less than twenty nor more than thirty days' from the filing of such application; which said notices shall specify the amount of the subscription proposed to be made, and the vote shall be,—“For the loan,” or, “Against the loan;” and the election shall be conducted and returns made in all respects as is provided for special elections of county officers; and if it shall appear that a majority of all the voters voting at such election, shall have voted “For the loan,” then the said bonds shall be issued, as herein above provided, which shall be applied in subscriptions for stock in the said company by the county court of the said county, and the said county court shall cast the votes to which the said county is thereby entitled by its stock, or shall appoint some person to cast such votes by proxy: *Provided*, Proviso. that the moneys hereby authorized to be raised, shall all be expended in the construction of works on said road within the said county of Kendall.

§ 3. This act shall take effect from and after its passage.

APPROVED June 21, 1852.

AN ACT to incorporate the Firemen's Benevolent Association, and for other purposes. In force Aug. 22, 1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all such persons as now are or hereafter may become members Incorporation. of the Firemen's Benevolent Association of the city of Chicago, in accordance with the provisions of the constitution of said association and the by-laws of the board of directors of said association, shall be and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name and style of the “Fire- Style. men's Benevolent Association of the city of Chicago,” and by that name they and their successors shall and may have General powers. perpetual succession; and by their corporate name shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; of having and using a common seal, and changing and altering the same at their pleasure, and of contracting and being contracted with, and of purchasing, holding and conveying any estate or property, real, personal or mixed, for the use and benefit of said corporation, and

Proviso.

for no other use and benefit whatever: *Provided*, said corporation shall at no one time hold property to an amount exceeding the sum of one hundred thousand dollars.

By-laws, &c.

§ 2. The said corporation shall have full power to make, establish and prescribe, for its own government and the regulation of its own business and affairs, and concerning the management and disposition of its own funds, such constitution and by-laws, rules and regulations, as shall from time to time appear proper and needful for the proper carrying out and conducting of the business and purpose for which the said corporation is by this act instituted, and for no other purpose whatsoever, which it may alter and amend at pleasure: *Provided*, the same be not repugnant to the constitution and laws of this state and of the United States.

Proviso.

Objects.

§ 3. The object of the association shall be to create a fund and provide means for the relief of the distressed, sick, injured or disabled members thereof, and their immediate families; and all the property and money acquired by said association shall be held and used solely for that purpose; and the business, property, funds and estate of said association shall be managed, conducted and controlled according to the constitution, by-laws, rules and regulations above authorized.

Management.

Interest on loans.

§ 4. For the purpose of enabling the said association more speedily to raise a fund sufficiently large for its purposes, it shall be lawful for said association to contract for, take, receive and collect interest upon the loan or forbearance of any money, goods or things in action, at the rate of twelve dollars upon one hundred dollars in advance for one year, and after that rate for a greater or less sum, or for a longer or a shorter time.

Application of penalties.

§ 5. In any action, suit or other proceeding which now is or hereafter may be instituted, commenced or prosecuted for the recovery or collection of any fine, penalty or forfeiture, imposed by any existing or future laws of this state, or by any existing or future law or ordinance of the common council of the city of Chicago, or of any of the fire companies in said city, and appropriated to the use of such association, it shall be no objection to the competency of any witness in any such action, suit or other proceeding for the recovery or collection of any such fine, penalty or forfeiture so imposed, and appropriated to the use of the said association or of any of the fire companies in said city, that he the said witness is or has been a member of said association or of said fire company, or is or may become entitled to the benefit of the association fund.

Competency of witnesses.

Assessment on insurance agencies.

§ 6. There shall be paid to the treasurer of said association, for the use and benefit of such association, by every person who shall act in the city of Chicago as agent for or on behalf of any individual or association of individuals not

incorporated by the laws of this state to effect insurances against losses or injury by fire in the city of Chicago, although such individuals or association may be incorporated for that purpose by another state or country, the sum of two dollars upon the hundred dollars, and at that rate upon the amount of all premiums which during the year or part of a year ending on the next preceding first day of December shall have been received by such agent or person, or received by any other person for him, or shall have been agreed to be paid for any insurance effected or agreed to be effected or promised by him as such agent or otherwise against loss or injury by fire in the city of Chicago.

§ 7. No person shall, in the city of Chicago, as agent or otherwise for any individual, individuals or association effect or agree to effect any insurance upon which the duty before mentioned is required to be paid, or as agent or otherwise, procure such insurance to be effected until he shall have executed and delivered to the said treasurer a bond to the Firemen's Benevolent Association of the city of Chicago, in the penal sum of one thousand dollars, with such sureties as the said treasurer shall approve, with a condition that he will annually render to the said treasurer, on the first day of January, in each and every year, a just and true account, verified by his oath, that the same is just and true, of all premiums which, during the year ending on the first day of of December preceding such report, shall have been received by him or by any other person for him or agreed to be paid for any insurance against loss or injury by fire in the city of Chicago, which shall have been effected or promised by him, or agreed to be effected, or promised by him to be effected, from any individual or individuals or association, not incorporated by the laws of this state as aforesaid, and that he will annually, on the first day of January in each year, pay to the said treasurer the sum of two dollars upon every hundred dollars, and at that rate upon the amount of such premiums.

Bond to be given to treasurer.

§ 8. Every person who shall effect, agree to effect, promise or procure any insurance specified in the preceding sections of this act, without having executed and delivered the bond required by the preceding section, shall, for each offence, forfeit the sum of one thousand dollars, which shall be collected in the name and for the use of the Firemen's Benevolent Association of the city of Chicago.

Penalty.

§ 9. Every person who at any time hereafter, as agent or otherwise, for any individual or individuals or association, may, in the city of Chicago, effect or agree to effect any insurance specified in the preceding sections of this act, shall, on the first day of January in each year, or within ten days thereafter, and as often in each year as he shall alter or change his place of doing business in said city, report in

Reports.

writing, under his proper signature, to the treasurer of said Firemen's Benevolent Association of the city of Chicago, the street and number thereof, in said city, of his place of doing business as such agent or otherwise, designating in such report the individual or individuals and association or associations for which he may be such agent or otherwise; and in case of default in any of these particulars, such person shall forfeit for every such offence the sum of five hundred dollars, to be recovered and collected in the name and for the use of the Firemen's Benevolent Association of the city of Chicago.

Sections repealed

§ 10. All the provisions of sections 22, 23 and 24 of chapter 64, entitled "Licenses," of the Revised Statutes, so far as they relate to fire insurance or fire insurance agents in the city of Chicago, are hereby repealed.

§ 11. This act shall be a public act, and shall be liberally construed in all courts of law and equity for all the purposes herein intended, and the act heretofore passed on the same subject is hereby repealed.

APPROVED June 21, 1852.

In force Sept. 6, if
approved by the
voters of Mon-
mouth.

AN ACT to incorporate the city of Monmouth.

Corporation.

Style.

Succession.

Seal.

Extent of city.

Wards.

Additions.

General powers.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Monmouth, in the county of Warren, and state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of "The city of Monmouth," and by that name shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

§ 2. All that district of country embraced within the following limits, to wit, one mile from the centre of the public square, in each direction, or two miles square [shall constitute the city of Monmouth.]

§ 3. The present board of trustees of the town of Monmouth shall, on the first Monday of October next, divide the said city of Monmouth into two wards, as nearly equal in population as practicable, particularly describing the boundaries of each.

§ 4. Whenever any tract of land adjoining the city of Monmouth shall be laid off into town lots, and duly recorded as required by law, the same shall be annexed to and form a part of the city of Monmouth.

§ 5. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, to defend and be defended in all courts

of law and equity, in all actions whatsoever; to purchase, receive and hold property, both real and personal, in said city; to purchase, receive and hold property, both real and personal, beyond the city, for burial grounds and for other public purposes, for the use of the inhabitants of said city; to sell, lease and convey or dispose of property, real and personal, for the benefit of the city, and to improve and protect such property, and to do all things in relation thereto as natural persons.

ARTICLE II.—*Of City Council.*

§ 1. There shall be a city council, to consist of a mayor- Council.
or board of aldermen.

§ 2. The board of aldermen shall consist of two mem- Aldermen.
bers from each ward, to be chosen by the qualified voters for the term of one year.

§ 3. No person shall be an alderman unless at the time Qualifications of
of his election he shall have resided six months within the aldermen.
limits of the city, and shall be, at the time of his election, at least twenty-one years of age, a citizen of the United States, and also a resident of the ward in which he is elected.

§ 4. If any alderman shall, after his election, remove Vacation of office
from the ward in which he is elected, his office shall be of alderman.
declared vacated.

§ 5. The city council shall judge of qualifications, elec- Qualifications.
tions and returns of their own members, and shall deter- mine all contested elections.

§ 6. A majority of the city council shall constitute a Quorum.
quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by the ordinances of said city.

§ 7. The city council shall have power to determine Power to adopt
the rule of its proceedings, punish its members for disor- rules and expel
derly conduct, and, with the concurrence of two-thirds of any members
the members elected, expel a member.

§ 8. The city council shall keep a journal of its pro- Journal.
ceedings, and from time to time publish the same; and the yeas and nays, when demanded by any member present, shall be entered upon the journal.

§ 9. No alderman shall be appointed to any office under Restrictions.
the authority of the city, which shall have been created or the emoluments of which shall have been increased during the time for which he shall have been elected.

§ 10. All vacancies that shall occur in the board of Vacancies.
aldermen shall be filled by election.

§ 11. The mayor and each alderman, before entering Oath of office,
upon the duties of their respective offices, shall take and and constitution-
al oath.

subscribe an oath that they will support the constitution of the United States and of this state and that they will well and truly perform the duties of their office to the best of their skill and ability.

tie, how decided. § 12. Whenever there shall be a tie in the election of aldermen, the judges of election shall certify the same to the mayor, who shall determine the same by lot, in such manner as shall be provided by ordinance.

Twelve meetings § 13. There shall be twelve stated meetings of the city council in each year, at such times and places as shall be prescribed by ordinance.

ARTICLE III.—*Of the Chief Executive Officers, &c.*

Mayor. § 1. The chief executive officer of the city shall be a mayor, who shall [be] elected by the qualified voters of the city, and shall hold his office for one year, and until his successor shall be elected and qualified.

qualification of mayor. § 2. No person shall be eligible to the office of mayor who shall have not been a resident of the city for one year next preceding his election, and who shall be under twenty-five years of age, or who shall not, at the time of his election, be a citizen of the United States.

Vacancy by removal. § 3. If any mayor, during the time for which he may have been elected, remove from the city, his office shall be considered vacated.

Tie. § 4. When two or more persons shall have an equal number of votes for mayor, the judges of election shall certify the same to the city council, who shall proceed to determine the same by lot, in such manner as may be provided by ordinance.

Contested election. § 5. Whenever an election of mayor shall be contested, the city council shall determine the same as may be prescribed by ordinance.

Vacancy, how filled. § 6. Whenever any vacancy shall happen in the office of mayor, it shall be filled by election, the secretary giving at least twenty days' notice of the time and place of holding such election.

ARTICLE IV.—*Of Elections.*

Time of elections. § 1. On the first Monday of April, A. D. 1853, an election shall be held in each ward of said city for one mayor for the city, and two aldermen for each ward; and forever thereafter, on the first Monday of April of each year, there shall be an election held for one mayor of the city and two aldermen for each ward. The first election for mayor and aldermen shall be held, conducted and returns thereof made as may be provided by ordinance of the present trustees of the town of Monmouth.

§ 2. All free white male inhabitants, over the age of twenty-one years, who are entitled to vote for state officers, and who shall have been actual residents of said city for thirty days next preceding said election, shall be entitled to vote for city officers: *Provided*, that said voters shall give their votes for mayor and aldermen in the wards in which they shall respectively reside, and in no other, and that no vote shall be received at any of said elections unless the person offering such vote shall have been an actual resident of the ward where such vote is offered at least ten days preceding such election.

Qualification of voters.

Proviso.

ARTICLE V.—*Of the Legislative Powers, &c.*

§ 1. The city council shall have power and authority to levy and collect taxes upon all property, real and personal, within the limits of the city, not exceeding one half per cent. per annum on the assessed value thereof, and may enforce the payment of the same in any manner to be prescribed by ordinance, not repugnant to the constitution and laws of the United States nor of this state.

Taxes.

§ 2. The city council shall have power to appoint a clerk, treasurer, assessor, marshal, supervisor of streets and highways, and all such other officers as may be necessary.

City officers.

§ 3. The city council shall have power to require of all officers appointed in pursuance of this charter, bonds, with penalty and security, conditioned for the faithful performance of their respective duties, as may be deemed expedient, and also to require all officers appointed as aforesaid to take an oath for the faithful performance of the duties of their respective offices before entering upon the discharge of the same; to establish, regulate and support common schools; to borrow money on the credit of the city: *Provided*, that no sum or sums of money shall be borrowed at a greater rate of interest than seven per cent. per annum, nor shall the interest in the aggregate, on all the sums borrowed and outstanding, ever exceed one half the city revenue arising from taxes assessed on real property within the limits of the corporation.

Bond and oath.

Schools.

Proviso.

§ 4. To appropriate money and provide for the payment of the debts and expenses of the city:

Appropriations.

§ 5. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and enforce the same within five miles of the city:

Contagious diseases.

Quarantine.

§ 6. To establish hospitals, and make regulations for the government of the same:

Hospitals.

§ 7. To make regulations to ensure the general health of the inhabitants, to declare what shall be a nuisance, and to prevent and remove the same:

Health, nuisances, &c.

- Water, hydrants and pumps. § 8. To provide the city with water; to erect hydrants and pumps in the streets, for the convenience of the inhabitants :
- Streets, &c. § 9 To open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve and keep in repair, streets, avenues lanes and alleys :
- Bridges. § 10. To establish, erect and keep in repair, bridges :
- Wards. § 11. To divide the city into wards, alter the boundaries thereof, and erect additional wards as occasion may require :
- Lamps and lamp posts. § 12. To provide for lighting the streets and erecting lamp posts :
- Night watches. § 13. To establish, regulate and support night-watches :
- Markets. § 14. To erect market houses, to establish markets and market places, and provide for the government and regulation thereof :
- Buildings. § 15. To provide for the erection of all needful buildings for the city :
- Public grounds. § 16. To provide for enclosing, improving and regulating all public grounds belonging to the city :
- Retail of liquor, &c. § 17. To license, tax and regulate auctioneers, merchants, retailers, grocers, taverns, ordinaries, hawkers, pedlers, brokers, pawn-brokers and money changers :
- Drays, &c. § 18. To license, tax and regulate hackney carriages, wagons, carts and drays, and fix the rates to be charged for the carriage of persons and for the wagonage, cartage and drayage of property :
- Shows, &c. § 19. To license, tax and regulate theatrical and other exhibitions, shows and amusements within the city limits :
- License of tippling houses, &c. § 20. To license, tax, restrain, prohibit and suppress tippling houses and other disorderly houses :
- Fires. § 21. To provide for the prevention and extinguishment of fires, and to organize and establish fire companies :
- Chimneys. § 22. To regulate the construction of chimneys, and fix the places thereof :
- Lumber. § 23. To provide for the inspection and measuring of lumber and other building materials, and for the measurement of all kinds of mechanical work :
- Hay, coal, wood, &c. § 24. To provide for the inspection and weighing of hay and stone coal, the measurement of charcoal, fire wood and other fuel, to be sold or used within the city :
- Bricks. § 25. To regulate the size of bricks to be sold or used in the city :
- Census. § 26. To provide for taking the enumerations of the inhabitants of the city :
- Officers. § 27. To regulate the election of city officers, and provide for removing from office any person holding an office created by ordinance :

§ 28. To fix the compensation of all city officers, and regulate the fees of jurors, witnesses and others, for services rendered under this act or any ordinance : Compensation and fees.

§ 29. To regulate the police of the city ; to impose fines and forfeitures and penalties for the breach of any ordinance ; and all moneys collected under and by authority of any city ordinance shall be deemed and taken to belong to said city and disposed of by the city council, under the ordinances of said city, for the general use and benefit of the inhabitants thereof ; and to provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties. Police. Fines, &c.

§ 30. The city council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinances be not repugnant to nor inconsistent with the constitution of the United States, nor of the constitution of this state. Ordinances.

§ 31. The style of the ordinances of the city shall be, "Be it ordained by the city council of the city of Monmouth." Style of ordinances.

§ 32. All ordinances issued by the city council shall, within one month after they shall have been passed, be published in some newspaper published in the city, and shall not be in force until they shall have been published as aforesaid. Ordinances.

§ 33. All ordinances may be proven by the seal of the corporation, and when printed or published in book or pamphlet form, or purporting to be printed and published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof. Ordinances, how proved.

ARTICLE VI.—*Of the Mayor.*

§ 1. The mayor shall preside at all meetings of the city council, and shall have a casting vote and no other. In case of non-attendance of the mayor at any meeting, the board of aldermen shall appoint one of their own number chairman, who shall preside at that meeting. Mayor to preside. Mayor pro tem.

§ 2. The mayor, or any two aldermen, may call special meetings of the city council. Special meetings.

§ 3. The mayor shall at all times be active and diligent in enforcing the laws and ordinances for the government of the city. He shall inspect the conduct of all subordinate officers of said city, and cause negligence and positive violation of duty to be prosecuted and punished. He shall, from time to time, communicate to the aldermen such information and recommend all such measures as in his opinion may tend to the improvement of the finances, the police, the health, security, comfort and ornament of the city. Mayor to be diligent. Subordinates. Communications.

- Posse comitatus.* § 4. He is hereby authorized to call on every male inhabitant of said city, over the age of eighteen years, to aid in enforcing the laws and ordinances, and in case of riot to call out the militia to aid him in suppressing the same, or in carrying into effect any law or ordinance, and any person who shall not obey such call shall forfeit to said city a fine not exceeding five dollars.
- Riots.
- Fine.
- Exhibit of books, &c. § 5. He shall have power, whenever he may deem it necessary, to require of any of the officers of said city an exhibit of his books and papers.
- Power to execute. § 6. He shall have power to execute all acts which may be required of him by any ordinance made in pursuance of this act.
- Commission. § 7. He shall be commissioned by the governor as a justice of the peace for said city, and as such shall be a conservator of the peace for said city, and shall have power and authority to administer oaths, issue writs and process under the seal of the city, to take depositions, the acknowledgment of deeds, mortgages and all other instruments of writing, and certify, [under] the seal of the city, which shall be good and valid in law.
- Powers under commission.
- Jurisdiction. § 8. He shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and concurrent jurisdiction with all other justices of the peace in all civil and criminal cases, within the limits of the city, arising under the laws of the state, and shall receive the same fees and compensation for his services as are by law allowed to justices of the peace in similar cases.
- Health. § 9. He shall also have such jurisdiction as may be vested in him by ordinance of the city, in and over all places within five miles of the boundaries of the city, for the purpose of enforcing the health and quarantine ordinances and regulations thereof.
- Salary. § 10. He shall receive for his services such salary as shall be fixed by an ordinance of the city.
- Penalty. § 11. In case the mayor shall at any time be guilty of a palpable omission of duty, or shall wilfully and corruptly be guilty of oppression, mal-conduct or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the circuit court of Warren county, and on conviction he shall be fined not more than two hundred dollars, and the court shall have power, on the recommendation of the jury, to add to the judgment of the court that he be removed from office.

ARTICLE VII.—*Of Proceedings in Special Cases.*

- § 1. When it shall be necessary to take private property for opening, widening or altering any public street, lane or alley, the corporation shall make a just compensa-
- Compensation for private property.

tion to the person whose property is so taken ; and if the amount of such compensation cannot be agreed on, the mayor shall cause the same to be ascertained by a jury of six disinterested freeholders of the city.

§ 2. When the owners of the property on a street, lane, ^{Streets, alleys, &c.} avenue or alley proposed to be opened, widened or altered, shall petition therefor, the city council may open, widen or alter such street, lane, avenue or alley, on conditions to be prescribed by ordinance, but no compensation shall in such case be made to those whose property shall be taken for the opening, widening or altering such street, lane, avenue or alley, nor shall there be any assessment of benefits or damages that may accrue to any of the petitioners.

§ 3. All jurors empaneled to enquire into the amount ^{Jurors.} of benefits or damages which shall happen to the owners of property proposed to be taken for opening, widening or altering any street, lane or alley, shall first be sworn to that effect, and shall return to the mayor their inquest, in writing, signed by each juror.

§ 4. In ascertaining the amount of compensation for <sup>Rule of assess-
ment.</sup> property taken for opening, widening or altering any street, lane, avenue or alley, the jury shall take into consideration the benefits as well as the injury happening by such opening, widening or altering any such street, lane, avenue or alley.

§ 5. The mayor shall have power, for good cause shown, <sup>Vacation of in-
quest.</sup> within ten days after any inquest shall have been returned to him as aforesaid, to set the same aside, and cause a new inquest to be made.

§ 6. The city council shall have power, by ordinance, ^{Special tax.} to levy and collect a special tax on the holders of the lots in any street, lane, avenue or alley, according to their respective fronts owned by them, for the purpose of paving and grading the side walks and lighting said street, lane or alley.

ARTICLE VIII.—*Miscellaneous Provisions.*

§ 1. The inhabitants of the city of Monmouth are here- ^{Labor on roads.} by exempted from working on any road beyond the limits of the city and from paying any tax to pay laborers to work on the same.

§ 2. The city council shall have power, for the purpose ^{Road tax.} of keeping the streets, lanes, avenues and alleys in repair, to require every male inhabitant in said city, over twenty-one years of age, to labor on said streets, lanes, avenues and alleys, not exceeding three days in each and every year; and any person failing or refusing to perform such labor, when duly notified by the supervisor, shall forfeit and pay

Penalty.	the sum of seventy-five cents per day for each day so neglected or refused.
Imprisonment.	§ 3. The city council shall have power to provide for the punishment of offenders by imprisonment in the county or city jail, in all cases where such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them.
Publication of statement.	§ 4. The city council shall cause to be published, annually, a full and complete statement of all moneys expended by the corporation during the preceding year, and on what account received and expended.
Force of ordinances.	§ 5. All ordinances and resolutions passed by the president and trustees of the town of Monmouth shall remain in full force until the same shall be repealed by the city council hereby created.
Suits, how instituted.	§ 6. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created, shall be instituted, commenced and prosecuted in the name of the city of Monmouth.
Fines, &c.	§ 7. All actions, fines, penalties and forfeitures which have accrued to the present trustees of the town of Monmouth, shall be vested in and may be prosecuted by the corporation hereby created.
Property.	§ 8. All property, real and personal, heretofore belonging to the president and trustees of the town of Monmouth, for the use of the inhabitants of said town, shall be and the same is hereby declared to be vested in the corporation hereby created.
Effect of charter.	§ 9. This charter shall not invalidate any act done by the president and trustees of the town of Monmouth, or divest them of any rights which may have accrued to them prior to the passage of this act.
Promulgation of charter.	§ 10. The president and trustees of the town of Monmouth shall, immediately after the passage of this act, take measures to promulgate this law within the limits of the city of Monmouth, and issue their proclamation for the election of officers, and cause the same to be published in all the newspapers in the said city for two weeks prior to the time of such election for said officers.
Appeals.	§ 11. Appeals shall be allowed from decisions in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof, to the circuit court of Warren county, and every such appeal shall be taken and granted in the same manner and with like effect as appeals are taken from and granted by justices of the peace to the circuit court under the laws of this state.
Mayor <i>pro tem</i> .	§ 12. Whenever the mayor shall absent himself from the city, or shall resign or die, or his office shall be otherwise vacated, the board of aldermen shall immediately pro-

ceed to elect one of their number president, who shall be mayor *pro tem*

§ 13. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity within this state without proof. Character of act.

§ 14. All acts and parts of acts coming within the provisions of this charter, or contrary to or inconsistent with its provisions, are hereby repealed. Acts repealed.

§ 15. The city marshal, or any other officer authorized to execute writs or other process issued by the mayor, shall have power to execute the same any where within the limits of the county of Warren, [and] shall be entitled to the same fees for traveling as are allowed constables in similar cases. Fees, &c.

§ 16. The president and trustees of the town of Monmouth shall cause an election to be held in said town on the first Monday in the month of September, one thousand eight hundred and fifty-two, at which the inhabitants residing within the city limits, who are authorized to vote for state officers, shall vote for or against the adoption of this charter; and if a majority of the votes given at such election shall be in favor of the adoption of said charter the same shall immediately take effect as a law; but if a majority of the votes cast at said election shall be against the adoption of said charter then this act to be of no effect. This act to be voted on by the people of Monmouth.

APPROVED June 21, 1852.

AN ACT to amend an act entitled "an act to amend the several acts incorporating the town of Galena." In force June 21, 1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That hereafter every white male person shall be eligible to the office of mayor or aldermen of the city of Galena who shall have resided in said city one year next preceding his election, and shall be at the time of his election twenty-one years of age and a citizen of the United States. Qualifications for office.

§ 2. That the city council of the city of Galena shall be and they are hereby authorized, in addition to the taxes now authorized to be assessed, levied and collected, to assess, levy and collect a tax, not exceeding one per cent. on a dollar of the assessed value of all real and personal estate made taxable in said city, to defray the ordinary, contingent and other expenses of said city not herein otherwise provided for; which taxes shall constitute the general fund for city purposes. Tax to defray ordinary and contingent expenses.

School tax.

§ 3. That the city council of the city of Galena shall be and they are hereby authorized to annually assess, levy and collect a school tax, not exceeding five mills on a dollar, on all real and personal estate taxable in said city, to meet the expenses of purchasing grounds for school houses, and building and repairing school houses, and supporting and maintaining schools.

Liquidation tax.

§ 4. That the city council of the city of Galena may, if the said city council believe that the public good and the best interests of the city require, annually assess, levy and collect a tax, not exceeding one per cent. on a dollar on the assessed value of all real and personal estate taxable in said city, in addition to all other taxes levied and collected in said city, to be applied as follows, to wit: The fund so collected shall be kept separate, and shall annually, on the first day of January, be apportioned and paid over *pro rata* upon the funded indebtedness of the city of Galena, as may be presented by the holders of the same, to be entered as credits upon and to that extent in extinguishment of the principal of said city indebtedness. A majority of all the aldermen authorized by law to be elected shall be necessary to assess, levy and collect said tax to pay said city indebtedness. This section to continue and be in force until the whole amount of said city indebtedness, with the interest to accrue thereon, is fully paid, and no longer.

Street tax.

§ 5. That the city council of said city shall have power and authority to assess, levy and collect a special tax on the owner or owners of the lot or lots fronting on any street or parts of streets, lane, avenue or alley in said city, according to the respective fronts and value of said lot or lots, for the purpose of grading, paving, planking, improving and keeping in repair the side walks in front of their respective lot or lots, and for the purpose of lighting with lamps or otherwise such street, lane, avenue or alley.

Public squares.

§ 6. That lots numbered sixty-one, sixty-two, sixty-three and sixty-four, in the city of Galena, known as the "Market House Square," with the market house and buildings thereon, are hereby made a public square and public buildings; and any other square or building hereafter laid out or erected for the public use and benefit of the residents of said city, shall be deemed public squares and public buildings. That the Market House Square, market house and buildings thereon, with the appurtenances, and all other public squares or public buildings hereafter laid out or erected, shall be forever exempt from taxation, attachment and execution; and the city council may grade, pave, plank, improve, protect and ornament the same, or any part or portion thereof, and defray the expenses for so doing out of a general fund of said city.

§ 7. That the city council of the city of Galena shall have power and authority to provide by ordinance or ordinances for the organization and maintenance of a mayor's court for said city, and for the trial and punishment of all offenders against the ordinance or ordinances of said city made or hereafter to be made in conformity with the powers granted in the city charter of the said city of Galena, or by virtue of this act, and not repugnant with the constitution of this state and constitution of the United States. Mayor's court.

§ 8. That the city council of said city may have the power and authority, by ordinance, to grant to the mayor of said city the exclusive jurisdiction in all cases arising under the ordinance or ordinances of said city; and the mayor shall receive the same fees and compensation for his services as justices of the peace in similar cases. Exclusive jurisdiction.

§ 9. That all act or acts, law or laws, amendatory, repealing or conflicting with, or to any parts or provisions of section twenty-three of the act entitled "an act to amend the several acts incorporating the town of Galena," be and the same are hereby repealed. Acts repealed.

§ 10. That the city council of said city shall have power, control, authority and jurisdiction in and over Fevre river, in the city of Galena, and from thence to its junction with the Mississippi river, for the purposes of improving the navigation thereof, and may alter, widen, straighten, dredge, deepen, turn, change, shorten or otherwise improve the navigation of its channel or waters; and may have power, authority and jurisdiction, for the purposes of removing and preventing all and any impediments and obstructions of every kind and description, natural or artificial, that tends or may hereafter tend to obstruct or impede the free and uninterrupted navigation of said river for steamboats or other water craft, under such rules and regulations as the city council, by ordinance, may direct. That the said city council shall allow a just compensation for all damages the owner or owners of any real estate on the banks of said river may sustain, by reason of turning or changing, straightening, widening, shortening or deepening the channel of said river. Said damages to be allowed and assessed in the same manner as now provided for in the city charter of Galena in relation to the discontinuance of streets and the removing of buildings. Fevre river.

§ 11. That the city marshal of the city of Galena shall have power, authority and jurisdiction, and may serve any process issuing under and by virtue of this act or of the act to which this is an amendment, or by virtue of any ordinance of said city made, or hereafter to be made, in any place within the county of Jo Daviess. City marshal.

Taxes, how levied, &c.

§ 12. That the taxes authorized to be levied and collected by virtue of this act, may be levied and collected in the same manner and under the same regulations that other city taxes are collected.

Ordinances.

§ 13. The city council of said city shall have power to make all ordinances which may be necessary and proper for carrying into execution the powers specified in this act, and not repugnant to the constitution of the United States or of this state, and may repeal any and all ordinances.

§ 14. This act to take effect and be in force from and after its passage.

APPROVED June 21, 1852.

In force June 21, 1852. AN ACT to incorporate the Rock River Mutual Fire Insurance company.

Corporators.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That George Haskell, Newton Crawford, Anson S. Miller, Seldon W. Church, Bela Sharr, William Bebb, Wait Talcott, J. G. Prentiss, D. A. Knowlton, O. H. Wright, Samuel M. Hitt, P. R. Bennett, St. John Mix, Joel Florida, Alexander Neely, and all other persons who may hereafter become members of said company, in the manner herein prescribed, be and they hereby are incorporated and made a body politic, for the term of twenty years from the passage of this act, by the name of "The Rock River Mutual Fire Insurance company," for the purpose of insuring their respective dwelling houses, stores, shops and other buildings, household furniture and merchandise, against loss or damage by fire, whether the same shall happen by accident, lightning or any other means, except that of design in the assured, or by the invasion of an enemy or insurrection of the citizens of this or any of the United States, and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of record, or other place whatever; may have and use a common seal; may purchase and hold such real and personal estate as may be necessary to effect the object of their association, and the same may sell and convey at pleasure: *Provided,* such real estate shall not exceed one hundred and sixty acres: may make, establish and put into execution, such by-laws or ordinances and resolutions, not being contrary to the laws of this state or of the United States, as may seem necessary or convenient for their regulation and government and for the management of their affairs, and do

Style.

Purposes.

Powers.

Proviso.

and execute all such acts and things as may be necessary to carry into full effect the purposes intended by the charter.

§ 2. That all and every person and persons, who shall at any time become interested in said company, by insuring therein, and also their respective heirs, executors, administrators and assigns, continuing to be insured therein, as hereinafter provided, shall be deemed and taken to be members thereof, for and during the time specified in their respective policies, and no longer, and shall at all times be concluded and bound by the provisions of this act. Members.

§ 3. There shall be a meeting of said company at Rockford, in the county of Winnebago, on the first Wednesday of January annually, or on such other day as the said company may hereafter determine, at which first annual meeting shall be chosen by a major vote of the members present, and by proxy, a board of fifteen directors who shall continue in office until others have been chosen and accepted the trust in their stead. Meetings.

In all vacancies happening in said board, whether by removing from the state, dying or refusing or neglecting to act, for and during the space of three months successively, then and in every such case, another director shall be chosen in the place of each director so removing, dying, refusing or neglecting to act as aforesaid, by a majority of the directors present at any monthly meeting, which director so chosen shall remain in office until the next general election of directors, and a majority of the whole board shall constitute a quorum for the transaction of business. Directors.

At their first regular meeting the board of directors shall class themselves, by lot, into three classes of an equal number each, the terms of whose service shall respectively expire as follows: the first class in one year, the second class in two years, and the third class in three years. Vacancies.

Special meetings of the company may be called by order of the directors, whenever the owners of one tenth part of the property insured in said company shall apply to the directors, setting forth in writing the purposes for which a meeting is desired. Classification.

§ 4. The board of directors shall superintend the concerns of said company, and shall have the management of the funds and property thereof, and of all matters and things thereunto relating, not otherwise provided for by said company. They shall have power, from time to time, to appoint a secretary, treasurer and such other officers, agents and assistants as to them may seem necessary, and prescribe their duties, fix their compensation, and take such security from them as they may deem necessary for the faithful performance of their respective duties. Special meetings.

They shall determine the rates of insurance, the sum to be insured on any building, not exceeding two-thirds of its Power of directors.

§ 5. The board of directors shall superintend the concerns of said company, and shall have the management of the funds and property thereof, and of all matters and things thereunto relating, not otherwise provided for by said company. They shall have power, from time to time, to appoint a secretary, treasurer and such other officers, agents and assistants as to them may seem necessary, and prescribe their duties, fix their compensation, and take such security from them as they may deem necessary for the faithful performance of their respective duties. Officers.

They shall determine the rates of insurance, the sum to be insured on any building, not exceeding two-thirds of its Rates of insurance.

Policies.

Losses.

President.

Risks.

Basis of Insur-
ance.

Proviso.

Objects of Insur-
ance, &c.

Deposit notes.

value, nor more than one-half of the value of personal property, and the same to be deposited for the insurance thereof. They shall order and direct the making and issuing of all policies of insurance; the providing of books, stationery and other things needful for the office of said company, and for carrying on the affairs thereof, and may draw upon the treasurer for the payment of all losses which may have happened, and for expenses incurred in transacting the concerns of said company. They shall elect one of their own number to act as president, and may hold their meetings monthly, and oftener if necessary, for transacting the business of the company, and shall keep a record of their proceedings and any director disagreeing with a majority of the board at any meeting, may enter his dissent, with his reasons therefor, on record.

§ 5. The directors may extend the insurance of said company to any part of this state, on any of the real and personal property within the same, with the exceptions and provisions hereinafter enacted, not exceeding the sum of five thousand dollars in any one risk, at such rate or rates as said directors may, in view of the equity of the case and the interest of the company, determine. Insurances shall be made in all cases, upon the representation of the assured contained in his application therefor, and signed by him or his attorney; which representation shall, in fairness and good faith, state all the material circumstances within his knowledge, which may affect the risk: *Provided*, that in case of any loss or damage by fire, the valuation of the property at the time of such loss or damage, shall be determined by the award of impartial men, as hereinafter provided.

§ 6. Books of account, written securities or evidences of debt, title-deeds, manuscripts or writings of any description, money or bullion, shall not be deemed nor taken to be objects of insurance in said company. Curiosities, medals, jewels, musical instruments, plate, paintings, sculpture, stationery, watches, gold or silver-ware, of any kind, shall not be deemed to be included in any policy of insurance, unless these articles, or any of them, form part of the usual and regular stock in trade of the assured, or are particularly specified in the policy. Breweries, chemical establishments, bleaching houses, oil mills, or contents of either of them, alcohol, aquafortis, gunpowder, spirituous liquors, tar, turpentine, varnish, or any other trades-wares or merchandise, which may hereafter be excluded by said company at any annual meeting, shall never be deemed insurable by the directors of said company, nor any policy issued thereon.

§ 7. Every person who shall become a member of said company by effecting insurance therein, shall, before he

receives his policy, deposite his promissory note for such sum or sums of money as shall be determined upon by the directors, and in addition to such note shall pay in cash such other sum as may be required by the said directors. The said deposite note shall be payable in part, or the whole at any time when the directors shall deem the same requisite for the payment of losses or other expenses, and at the expiration of the term of insurance the said note, or such part of the same as shall remain unpaid, after deducting all losses and expenses occurring during said term, shall be relinquished and given up to the signer thereof.

§ 8. Every member of said company shall be and hereby is bound to pay his proportion of all losses and expenses happening or accruing in and to said company, and all buildings insured by and with said company, together with the right, title and interest of the assured to the lands on which they stand, shall be pledged to said company, and the said company shall have a lien thereon against the assured, during the continuance of his or their policies. Losses.

§ 9. In cases of any loss or damage by fire, happening to any member upon insured property, in and with said company, the said member shall give notice thereof, in writing, to the directors, or some one of them, or to the secretary of said company, within thirty days from the time of such loss or damage may have happened, and if the party suffering is not satisfied with the determination of the directors, the question may be submitted to referees, or the said party may bring an action against said company for said loss or damage, at the next court to be holden in Winnebago, and not afterwards, unless said court shall be holden within sixty days after said determination, but if holden within that time then at the next court holden in said county thereafter; and if upon trial of said action a greater sum shall be recovered than the amount determined by the directors, the party suffering shall have judgment therefor against said company, with interest thereon from the time said loss or damage happened, and cost of suit; but if no more shall be recovered than the amount aforesaid, the said party shall become non-suit, and the said company shall recover their costs: *Provided, however,* that the judgment last mentioned shall in no wise affect the claim of said suffering party, to the amount of loss or damage as determined by the directors aforesaid: *And provided, also,* that execution shall not issue on any judgment against said company, until after the expiration of three months from the rendition thereof. Notice of losses.

§ 10. The directors shall, after receiving notice of any loss or damage by fire sustained by any member, and ascertaining the same, or after the rendition of any judgment as aforesaid, against said company, for such loss or damage, Payment of losses.

*Pro rata.**Suit on note.**Loss, interest, &c. on
deposit notes.**Time and mode of
insurance.**Effect of sale of
insured property.*

settle and determine the sums to be paid by the several members thereof, as their respective proportions of such loss, and publish the same in such manner as they shall see fit, or as the by-laws may have prescribed; and the sum to be paid by each member shall always be in proportion to the original amount of his premium note or notes, and shall be paid to the treasurer within thirty days next after the publication of said notice. And if any member shall, for the space of thirty days after such notice, neglect or refuse to pay the sum assessed upon him, her or them, as his, her or their proportions of any loss as aforesaid, in such cases the directors may sue for and recover the whole amount of his, her or their deposit note or notes, with costs of suit, and the money thus collected shall remain in the treasury of said company, subject to the payment of such losses and expenses as have or may thereafter accrue, and the balance, if any remain, shall be returned to the party from which it was collected, on demand, after thirty days from the term for which insurance was made.

§ 11. If it ever shall happen that the whole amount of deposit notes should be insufficient to pay the loss occasioned by any one fire, in such case the sufferers insured by said company shall receive, towards making good their respective losses, a proportionate dividend of the whole amount of said notes, according to the sums by them respectively insured, and in addition thereto a sum to be assessed on all the members of said company, not exceeding fifty cents on every hundred dollars by them respectively insured; and the said member shall never be required to pay for any loss occasioned by fire, at any one time, more than fifty cents on each hundred dollars insured in said company, in addition to the amount of his deposit note, or more than that amount for any such loss after his said note shall have been paid in and expended, but any member, upon payment of the whole of his deposit note and surrendering his policy, before any subsequent loss or expense has occurred, may be discharged from said company.

§ 12. Said company may make insurance for any term not exceeding ten years; and any policy of insurance issued by said company, signed by the president and countersigned by the secretary, shall be deemed valid and binding on said company in all cases where the assured has a title in fee simple, unincumbered, to the building or buildings insured, and to the land covered by the same; but if the assured have a less estate therein, or if the premises are incumbered, the policy shall be void, unless the true title of the assured and the incumbrances on the premises be expressed therein.

§ 13. When any house or other building shall be alienated, by sale or otherwise, the policy thereupon shall be

void, and shall be surrendered to the directors of said company, to be cancelled; and upon such surrender the assured shall be entitled to receive his, her or their deposit note, upon the payment of his, her or their proportion of all losses and expenses that have accrued prior to said surrender: *Pro-Provided, however,* that the grantee or alienee having the policy assigned to him may have the same ratified and confirmed to him, her or them, for his, her or their own proper use and benefit, upon application to the directors, and with their consent, within thirty days next after such alienation, on giving proper security, to the satisfaction of said directors, for such portion of the deposit or premium note as shall remain unpaid; and by such ratification and confirmation the party causing the same shall be entitled to all the rights and privileges and subject to all the liabilities to which the original insured was entitled and subjected under this act.

§ 14. If any alteration should be made in any house or building, by the proprietor thereof, after insurance has been made thereon with said company, whereby it may be exposed to greater risk or hazard from fire than it was at the time it was insured, then and in every such case the insurance made upon such house or building shall be void, unless an additional premium deposit, after such alteration, be settled with and paid to the directors; but no alteration or repairs in buildings, not increasing such risk or hazard, shall in anywise affect the insurance previously made thereon. Alteration of insured buildings.

§ 15. The property insured and the risks taken thereon may, in the discretion of the directors, be divided into two general classes, according to the degree of hazard. Said company shall, for the purpose of keeping distinct the accounts of insurance upon property classified as aforesaid, keep two sets of books, in which shall be entered separately all accounts pertaining to insurance effected in the said respective classes, and no money received for insurance effected in any one of the classes shall be applied in payment of any loss or damage upon property other than that belonging to the class in which such person has property insured; but all losses and damages that occur to property insured in either class shall be paid from funds derived from insurance in such class. Classification.

§ 16. In case any building or buildings situated on leased lands and insured by said company be destroyed by fire, and the owner or owners thereof shall prefer to receive the amount of such loss in money, in such case the directors may retain the amount of the premium note given for the insurance thereof until the time for which insurance was made shall have expired, and at the expiration thereof the assured shall have the right to demand and receive such part of said retained sum or sums as has not been expended in losses and assessments. Leased property.

Double insurance § 17. If insurance on any house or building shall be and subsist in said company and in any other office, or from and by any other person or persons at the same time, the insurance made in and by said company shall be deemed and become void, unless such double insurance subsist by and with the consent of the directors, signified by indorsement on the back of the policy, signed by the president and secretary.

Assessment to be annual. § 18. The directors of said company shall not make more than one assessment for losses in any one year, and they shall settle and pay all losses at one uniform period in each year subsequent to the annual assessment. The directors are authorized, in case of any loss or damage by fire, to borrow such sum or sums of money as may be necessary to pay such loss or damage: *Provided*, that members sustaining loss or damage by fire shall be allowed interest thereon from the time due notice has been given of said loss until payment is made.

Loans.
Proviso.
Examination of books. § 19. Each and every member of said company shall be entitled to and allowed an examination of the books, papers and general transactions of said company, upon application therefor to the secretary.

§ 20. It shall be the duty of the directors to make an annual report of the condition, progress and affairs of said company, a copy of which report shall be furnished by the secretary to the general assembly, and to each member of the company.

Evidence. § 21. In all suits by or against said company, any member of said company shall be a competent witness, except in suits in which he or she shall be directly a party: *Provided*, that such person shall not be otherwise disqualified.

Records. § 22. The records of said company, or copies thereof duly authenticated by the signatures of the president and secretary, shall be competent evidence in any suit in which said company may be a party.

Suits. § 23. In case it shall become necessary to revert to the lien on the property insured, the treasurer shall demand payment of the insured, or his legal representative, and of the tenant in possession; and in case of non-payment said company may sustain an action on the deposit note, and then execution may be levied on the insured premises, and the officer making the levy may sell the whole or any part of the estate at auction, giving notice and proceeding in the same manner as is required in sales under execution, or may proceed in equity, at the option of the company.

Non-payment of assessments. § 24. That any person or persons who are or shall become members of said company by effecting insurance thereon, their heirs, executors, administrators or assigns, who shall neglect or refuse the payment of any assessment or assessments duly ordered by the directors of said compa-

ny, for the term of thirty days after the same shall have become payable, agreeable to public notice by the treasurer, the party so in default shall be excluded and debarred, and shall lose all benefit and advantage of his, her or their insurance respectively, for and during the term of such default or non-payment, and notwithstanding shall be liable and obliged to pay all assessments that shall be made during the continuance of his, her or their policies of insurance.

§ 25. That in all cases where real or personal property insured by said company shall become alienated by sale, by change in partnership or ownership or otherwise, the policies issued thereon shall be void, and shall be surrendered to said company to be cancelled; and said company shall not be liable for any loss and damage which may happen to any property after such alienation as aforesaid, unless the policies issued thereon shall have been duly assigned or confirmed by the consent of the directors to the actual owner or owners thereof, previous to such loss and damage; and no policy issued by said company shall be deemed to have been duly assigned or confirmed, unless the consent of the directors to such assignment or confirmation is certified in such policy by the secretary of said company.

Change of ownership.

Assignment of policy.

§ 26. The president of the board of directors of the Rock River Mutual Fire Insurance company, and his successor in office, is hereby authorized and empowered to administer oaths to the directors and other officers of said company for the faithful performance of their respective duties.

§ 27. The individuals named in the first section of this act shall be and they are hereby constituted a board of directors for said company, to serve as such until the first annual election of directors therein provided for. A majority of their number, at any time, shall constitute a quorum for the transaction of business. They may call the first meeting of the members of said company at any suitable time and place, in Rockford aforesaid, by advertisement in any newspaper printed in said town, giving at least ten days' notice of the place, time and design of the meeting; they may make and establish by-laws for the government of said company until the first annual meeting thereof, and may transact any business necessary and proper to carry into effect the provisions and intentions of this act.

First board of directors.

§ 28. This act shall take effect from and after its passage.

APPROVED June 21, 1852.

In force June 21, 1852. AN ACT to authorize the county of Johnson to borrow money, and to provide for refunding of the same.

Tax authorized.
Designation.
Mode of assessment and collection.
Bonds.
Contract.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the county court of Johnson county be and they are hereby authorized to levy a tax, to be called a court house tax, not to exceed twenty cents on each one hundred dollars worth of personal and real property of said county, to be assessed and collected as other state and county taxes; and when collected it shall be paid into the county treasury, to be subject to the order of the county court of Johnson county, for the payment of any debt incurred by said court in the completion of the court house in the town of Vienna, in Johnson county, state of Illinois.

§ 2. The county court shall have power, for the purpose of carrying out the objects of this act, to issue bonds of said county, bearing not exceeding ten per cent. interest, based upon the tax provided for in the first section of this act. And the county court may make a contract with any person or persons for the completion of said court house. If the county court shall so order, this shall apply to the year 1852.

This act to take effect from and after its passage.

APPROVED June 21, 1852.

In force June 21, 1852. AN ACT to amend an act entitled "an act to amend an act entitled an act to incorporate the Nauvoo and Warsaw Railroad company," approved February 10th, 1849.

Time extended.

Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the time allowed by the act to which this is an amendment, for the commencement of the actual construction of the Warsaw and Rockford Railroad, be and the same hereby is extended two years beyond the time named in said act, and that the time required for the completion of the same be also in like manner extended, and that all the rights and privileges secured to said Warsaw and Rockford Railroad company, by virtue of the act aforesaid, and of the assignment of the charter of the said Nauvoo and Warsaw Railroad company to the said Warsaw and Rockford Railroad company, executed January 6th, 1851, be extended and continued to said Warsaw and Rockford Railroad company, for the period aforesaid, without prejudice.

APPROVED June 21, 1852.

AN ACT to authorize the town of Oquawka to subscribe to the capital stock of certain corporations therein named. In force June 21, 1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the town of Oquawka, through the trustees of said town, are hereby authorized to subscribe to the capital stock of any company now organized, or which may hereafter be organized, for the purpose of constructing and maintaining a plank road from a point on the west bank of the Mississippi river, opposite to the said town of Oquawka, in Des Moines county, in the state of Iowa, to extend westwardly or north-westwardly, or for the purpose of establishing and keeping a ferry at said town of Oquawka, across the Mississippi river, an amount not exceeding twenty-five thousand dollars; and also an amount not exceeding ten thousand dollars, to the capital stock of any company which may be engaged in constructing a plank road terminating at said town of Oquawka. And for the purpose of paying such subscription said town of Oquawka, by their trustees, are hereby authorized to levy and collect a special tax on all real estate in said town; such tax to be levied and collected as other corporation taxes: *Provided*, that the levying and collecting such tax shall apply to the year one thousand eight hundred and fifty-two as well as to subsequent years: *And provided further*, that before levying any such tax, or subscribing to any such stock, the trustees of said town shall order a vote of the taxable voters of said town, who own real estate in said town of Oquawka, to be taken, whether such stock shall be subscribed for or not, and shall cause three notices of such voting to be posted up in said town at least ten days before such voting is to be taken; such notice to set forth the time and place of taking the vote, the amount of stock proposed to be taken, and in what company the stock is to be taken; such vote to be taken as other corporation elections: and if a majority of the votes be cast in favor of the proposition, such trustees shall subscribe for such stock, and proceed to levy and collect the same as aforesaid.

Trustees authorized to subscribe

Amount of subscription.

Special tax.

Proviso.

Further proviso.

§ 2. The trustees of said town of Oquawka, when any stock shall be subscribed for by them, as authorized and provided for in the foregoing section, may issue the bonds of said corporation of Oquawka to the amount of the stock taken, bearing interest at a rate not exceeding eight per cent. per annum, for the purpose of paying for such stock by them taken and subscribed, and may apply the taxes so assessed and collected as herein provided for towards paying such bonds or the interest thereon.

Bonds.

§ 3. This act to be in force and take effect from and after its passage.

APPROVED June 21, 1852.

In force June 21, 1852. AN ACT to amend an act for the improvement of the navigation of Rock river, and for the production of hydraulic power.

Section re-enacted.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That so much of the tenth section of the act entitled "an act to improve the rapids in Rock river, at Sterling, Whiteside county, and to incorporate the Sterling Hydraulic and Manufacturing company," in force February 18th, 1847, as relates to the gift and transfer of state property to the company, be and the same is hereby re-enacted, and made part of the act to which this is an amendment.

APPROVED June 21, 1852.

In force June 21, 1852. AN ACT to establish a state road from Union, in McHenry county, to Genoa, in De Kalb county.

Commissioners.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Norman Dunham, Samuel Richardson and William M. Jackson be and are hereby appointed commissioners to view, lay out and locate a state road commencing at any convenient point in the town of Union, in McHenry county, running from thence and upon the most practicable route, to Genoa, in De Kalb county.

Time of commencement.

§ 2. It shall be the duty of said commissioners, or any two of them, to proceed to Union, in the county of McHenry, on or before the first day of September next, or as soon thereafter as they may find convenient, and after having been sworn by some acting justice of the peace, or clerk of said county, to view, mark and locate a road as above designated.

Oath.

Plat to be filed.

§ 3. When the said commissioners shall have laid out said road, they shall make out and deliver to clerks of the counties through which said road passes, a copy or plat of said road; which plat by said clerks shall be entered of record in their several offices, and the said entries shall be evidence in all courts of this state of the existence of said road.

Compensation.

§ 4. The compensation to each person employed in locating and establishing said road shall be one dollar and fifty cents for each day necessarily employed, exclusive of expenses for provisions, forage for horses, &c., except the surveyor, who shall have two dollars per day for each day so employed.

Expenses, how paid.

§ 5. The expenses incurred in establishing said road shall be allowed and paid by each county, upon the filing

of the plats as aforesaid, through which said road is located, in proportion to the distance or length of road in said counties; the same to be made out by said commissioners, or any two of them.

This act to be in force from and after its passage.

APPROVED June 21, 1852.

AN ACT to incorporate the Alexander and Pulaski Toll-bridge and Plank Road company. In force Aug. 22-1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Green P. Gerner, John Hodges, Francis M. Rawlings and John A. McCrackand, and all such persons as shall hereafter become stock holders in the company hereby incorporated, their assigns and successors, be and they are hereby chartered and constituted a body corporate, by the name of the "Alexander and Pulaski Toll-bridge and Plank Road company;" that they have succession, be capable of suing and being sued, pleading and being impleaded, within all courts in this state; be capable of contracting and being contracted with; of purchasing, selling, holding and conveying real real estate and personal property, as necessary and convenient to enable them to establish a toll-bridge across Cache river, on the south-west quarter of the south-west quarter of section thirty-one (31,) in township fifteen (15) south, of range one (1) west of the third principal meridian, at a point where said river is the boundary between the counties aforesaid; and also to build, construct and complete a plank road from the town of Thebes, the county seat of Alexander county, to North Caledonia, the county seat of Pulaski county; and to carry out the privileges and franchises granted herein, with power to make by-laws, rules and regulations for the management of its property, the stock of said company, and to regulate its affairs.

§ 2. The stock of said company shall be fifty thousand dollars, in shares of twenty-five dollars each, which is declared to be personal property, transferable by assignment. When the capital arising from said stock is invested and expended in the objects of said charter, the stock of said company may be, from time to time, increased, in amounts of one hundred dollars each, as required in the completion of said works or either of them, but such stock shall not be increased beyond one hundred thousand dollars.

§ 3. The said plank road shall not be dependent upon the construction of said toll-bridge, nor the said toll-bridge upon the said plank road, but either may be constructed, or

any part thereof, independent of the other; and if the said plank road shall be first completed, or any five miles thereof, the said incorporators may collect such rates of toll as may be directed by the county courts of said counties; and when the said toll-bridge shall have been completed, whether the whole or any portion of said plank road may have been constructed or not, such tolls may be collected for passing thereon as the respective county courts may determine, the Alexander county court regulating the amount of tolls from the Alexander shores, and Pulaski from hers.

Charter, when to
be declared void.

§ 4. Whenever said corporation shall manifestly fail or neglect to comply with the provisions of this act, a reasonable allowance being made to them for that purpose, the circuit court of Alexander and Pulaski county, on a full investigation of the facts and evidence adduced, and in view of the justice of the case, may declare this charter null and void.

Penalties.

§ 5. If any person or persons shall wilfully do or cause to be done, any act or acts whatever, whereby any boat, bridge, embankment, road, gates, building, construction, or work of said corporation shall be obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall, on conviction thereof, forfeit and pay to the said corporation treble the amount of damages sustained by means of such injury, to be recovered in the name of said corporation, in any court of this state, by action of debt, trespass, or trespass on the case, with costs of suit; and nothing herein, in consequence of a recovery therefor, shall be a bar to the punishment of such offenders under the criminal laws of this state.

§ 6. This act is declared to be a public act, and is to be construed liberally to promote and carry out the objects herein intended.

APPROVED June 21, 1852.

In force June 21, 1852. AN ACT to provide for the settlement of the claim of Samuel Bacon against the state.

Appropriation of
§ 600.

Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the auditor of public accounts be and he hereby is required to draw his warrant upon the treasurer, for the sum of six hundred dollars, in favor of Samuel Bacon, a blind man, formerly connected with the institution of the blind at Jacksonville, in full satisfaction and final discharge of all claims, dues or demands

against the state, for services or otherwise, and that the same be paid out of [any money in the] treasury not otherwise appropriated.

This act to be in force from and after its passage.

APPROVED June 21, 1852.

AN ACT to incorporate the Naples Protection Association.

In force June 21,
1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly.* That Hologway W. Vansyckle, Thomas Holobush, Henry Dresser, Royal Mooers and Robert Morrison, and their successors, as hereinafter provided, are hereby constituted and appointed a body politic and corporate, under the name and style of "The President and Trustees of the Naples Protection Association;" and under that name shall be a municipal incorporation, and shall have power to contract and be contracted with, sue and be sued, and shall have all the powers hereinafter granted to as full extent as natural persons can or may have.

§ 2. Said trustees shall appoint one of their number president of their said board, and who shall act as treasurer of said corporation. They shall appoint another one of said board who shall act as secretary of said corporation, and whose duty it shall be to keep a record of all the proceedings of said board, and have the care, control and custody of all books, papers and property of said corporation, and the said president shall have the care, control and possession of all money belonging to said corporation, and shall pay the same out upon the orders of said board, to be recorded by said secretary, and certified copies presented to said president, and not otherwise. The said president shall keep a cash book, in which he shall enter an account of all money received, and from what source, and of all money paid out, to whom paid, and for what purpose. A majority of the members of said board shall have power to fill all vacancies that may occur in their number, and in all their acts three members shall form a quorum to do business, a majority of which quorum may do all acts authorized to be done by said corporation.

§ 3. The object and intention of this corporation is to build and cause to be built a levee or levees, or any other kind of improvement around certain boundaries of land, to be determined by them, for the purpose of excluding the water of the Illinois river from said land, thereby to increase its value to the owners and promote the general health of

Boundaries.

Proviso.

Ordinances.

Taxes.

Mode of assess-
ment.

Collection.

Prevention of
overflows.

Lien.

the people of the country. The boundaries to be thus designated shall be specifically designated by said board, to be by them determined by an order of the board, recorded as aforesaid, and the said levee and other improvements shall be made upon the boundary thus designated: *Provided*, that said board shall have power to alter said boundary whenever it may by them be deemed necessary to promote the objects and intentions of this corporation.

§ 4. Said corporation shall have power to pass all orders and ordinances that may be necessary to prevent the overflowing of the land within said boundaries, and to remove and exclude the water from the same, and for that purpose said corporation may assess a tax upon all the real estate within said boundaries; which tax shall be levied according to the valuation of said property as said value may be affixed for the time being by the county assessor of Scott county; and the president of said corporation shall notify the said county assessor of the boundaries aforesaid, and of the amount of tax, being the per cent. upon the value of said real estate so to be levied, which tax shall be uniform, and equal upon all the real estate within said boundaries, and said assessor shall calculate and set down in his book, in a separate column, said tax so levied, and shall return the same to be collected as other tax, and the same shall be subject to all the laws of the state of Illinois regulating the collection of state and county tax, and the same shall be collected by the sheriff and collector of tax for said county with the state and county tax so to be levied upon said real estate, and when collected shall be paid over to said president by said collector, retaining the same per cent. as may be allowed by law for collecting the state tax, and he shall take duplicate receipts therefor, one of which he shall file with the clerk of the county court of said county and the other with the secretary of said board.

§ 5. Said corporation shall have power to pass all necessary ordinances to prevent the land within the said boundaries from being overflowed by the raising of water through the surface of the earth, and to compel the owners of all wells and cellars and other excavations in the earth so to secure the same as to prevent said overflowing; and if the owner of any well, cellar or other excavation situated upon his, her or their property, shall refuse or neglect so to secure the same from overflowing, said board may provide, by ordinance, that the same shall be immediately done by the corporation, and for that purpose may at any and all times enter upon any premises within said boundaries, and the owners of said property shall be subject to pay all necessary expense attending the same, and a lien is hereby created in favor of said corporation upon all such lots and premises to secure the payment of such expense; which liens may be

enforced in favor of said corporation as other liens under the laws of the state of Illinois.

§ 6. Said corporation may borrow money to construct said work and to keep the same in repair, upon such terms and for such interest as may be agreed upon, and to secure the same may pledge the revenue to be raised as aforesaid, and may contract that said corporation will levy a sufficient tax yearly and each year upon all the property within said boundaries, to pay said money and interest as the same falls due according to the said contract; and if said corporation shall at any proper time refuse or fail to have said tax levied, collected and paid over, all and every person or persons, bodies politic and corporate, who may be entitled to receive said money so to be borrowed, and all interest agreed to be paid thereon may enforce said contract by application to the court of equity of said county, who shall cause said tax to be levied, collected and paid over to a receiver to be appointed by said court, to be by him paid to the parties entitled to receive the same; and the said court is hereby vested with full power and jurisdiction to carry this act into effect, and to enforce all contracts made or to be made by said corporation.

§ 7. If any person or persons shall break down or destroy or in any way injure any levee, dyke, embankment or other improvement made by said corporation, or under their authority, such persons so offending shall be subject to indictment, and upon conviction may be fined in any sum not exceeding one thousand dollars, and imprisoned in the county jail for any term not exceeding six months, and said person or persons shall be liable in an action of trespass to said corporation for all damage done to said improvement, and to any individual for any injury that may be sustained by reason of said act.

§ 8. Said corporation shall have power to purchase any property, either real or personal, and to receive donations thereof that may be deemed necessary by said board to carry on or aid, or that may be useful to said work, and to the forwarding the objects of this act. Said corporation shall also have power to cause all land and other real estate whereon it may be necessary to take earth or other materials to construct the same, to be appraised according to the provisions of the chapter in relation to the right of way, in the Revised Statutes of the state of Illinois. If any person in front of whose improved lot it may be necessary to raise a dyke or embankment, or erect other improvement, shall object thereto, said corporation shall have power to cause said damage to be appraised as provided in said law in relation to the right of way. Said corporation shall have power to deepen the water at the landing on the river, in front of the town of Naples, and to grade the river bank,

Money may be borrowed.

Penalty.

Purchase of property.

Right of way, materials.

Damages.

and to protect said bank, and to erect wharves, and to charge wharfage on all crafts landing at said bank; and said corporation may purchase all land on said bank that may be deemed necessary for any one of the purposes aforesaid, and to convert said property when purchased into a public landing as aforesaid.

§ 9. This act shall take effect and be in force from and after its passage, and shall be a public act, and be published with the general public laws of the state of Illinois.

APPROVED June 21, 1852.

In force June 21, 1852. AN ACT to change the time of holding courts in the fourth judicial circuit.

Times of courts.

Crawford.

Lawrence.

Richland.

Clay.

Effingham.

Jasper.

Cumberland.

Coles.

Clark.

Writs, &c.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the courts of the fourth judicial circuit shall hereafter be held in the county of Crawford on the first Mondays in March and September; in the county of Lawrence on the first Mondays thereafter; in the county of Richland on the first Mondays thereafter; in the county of Clay on the first Mondays thereafter; in the county of Effingham on the first Fridays thereafter; in the county of Jasper on the first Wednesdays thereafter; in the county of Cumberland on the first Mondays thereafter; in the county of Coles on the first Thursdays thereafter; and in the county of Clark on the first Thursdays thereafter.

§ 2. That all writs, process and other proceedings made or to be made returnable in the circuit courts of the said several counties on the several days as now fixed by law for the commencement of the terms of said courts, shall be regarded and held as returnable to the terms of the said circuit courts as fixed in the first section of this act; and no such writ, process or other proceedings shall be quashed or set aside or any cause continued because of the omission of the return day therein as fixed by this act.

Act, when to take effect.

Duty of secretary of State.

§ 3. This act shall take effect and be in force from and after its passage, and it is hereby made the duty of the secretary of state to furnish a copy of this act to the clerks of the Cumberland, Coles and Clark circuit courts hereinbefore mentioned, immediately after the passage of the same.

§ 4. All laws coming within the purview of this act are hereby repealed.

APPROVED June 21, 1852.

AN ACT to amend the charter of Hillsboro Academy.

In force June 21,
1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That hereafter the stockholders of Hillsboro Academy shall elect the trustees to manage and control the affairs of said institution; the said trustees so to be elected to have and exercise all the powers and duties now had and exercised by the acting trustees of said academy.

Stockholders to
elect trustees.

§ 2. The present board of trustees of Hillsboro academy, and forever hereafter the board of trustees for the time being, shall direct, by their by-laws, the times, places and manner of elections for trustees, and shall also direct the forms, times and manner of the returns of said elections, and of canvassing the same, and shall appoint the judges and clerks of said election.

Time, &c., of
elections.

§ 3. At the first election of trustees of said academy, fifteen shall be elected, and annually thereafter five shall be elected. The fifteen elected at the first election shall be divided into three classes, by the board for the time being; the first class shall serve one year, the second two years, and the third three years, and until successors are elected, and forever after the first election the said trustees shall hold their offices for the term of three years and until successors are elected.

Number of trustees.

Classes.

Term.

§ 4. The said elections for trustees shall be annual, (after the first;) each share of stock entitling its owner to one vote at said elections. So soon as the first election takes place and the terms thereof examined and declared, the term of office of the trustees now in being shall expire.

Elections to
annual.

§ 5. The president and secretary shall issue certificates of stock, which shall entitle the holder to the number of shares subscribed, whether new or old stock, upon such terms and conditions as the board of trustees, for the time being, shall direct by their by-laws; which certificates of stock shall not be transferable or pass by descent, and shall be subject to forfeiture for non-payment of the assessment made by the board of trustees, agreeably to the articles of association. All moneys received for stock or assessments shall be exclusively appropriated to repairing and improving the academy buildings, enlarging the apparatus, procuring a library and improving and beautifying the grounds of the corporation, in the discretion and by the direction of the board of trustees, from time to time.

Certificates of
stock.

§ 6. This act to take effect and be in force from and after its passage.

APPROVED June 21, 1852.

In force June 21, 1852. AN ACT to amend an act entitled "an act to provide for leasing the land granted as a common to the inhabitants of the town of Prairie du Rocher, in Randolph county, or so much of said land as it may be to the interest of the inhabitants of said town to lease for school purposes;" approved February 8, 1851.

Part of act re-
pealed. SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That so much of the above recited act as required "the president and trustees of the commons of Prairie du Rocher," thereby incorporated, to meet and organize in their board within ninety days after the adjournment of the last session of the general assembly, be and the same is hereby repealed.

Organization, sur-
veys, leases, &c.
declared to be
valid. § 2. The organization of said board of trustees, and all surveys of the commons of Prairie du Rocher, made by and under their direction, and all leases heretofore made and granted by them for school purposes, is and are hereby declared to be valid and legalized as fully as if said board of trustees had met and organized within the time specified in the act before named.

Payments in ad-
vance. § 3. The said president and trustees of the commons of Prairie du Rocher, may by ordinance require the payment in advance of the amount for which any lot may be leased by them, to any lessee or lessees, for any term of years not exceeding ninety nine, instead of annually, as by said act provided, and may loan the money accruing from the leasing of such lots at the same rate of interest as township school moneys are loaned; and no property shall be exempt from execution for the collection of such loans, which is not now or may not hereafter be exempt from execution for the collection of moneys loaned by township treasurers, under the common school law, anything in said act to the contrary notwithstanding.

§ 4. This act to be in force from and after its passage.
APPROVED June 21, 1852.

In force June 21, 1852. AN ACT to authorize the city council of the city of Peoria to issue bonds to the Peoria and Oquawka Railroad company.

Bonds. SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the city council of the city of Peoria be and they are hereby authorized to issue the bonds of said city, whenever they may deem it expedient, for all or any portion of the amount subscribed or hereafter to be subscribed by said city, to the Peoria and Oquawka Railroad company, under the provisions of an act of the legislature of said state, approved November the sixth, one thousand eight

When to be is-
sued.

hundred and forty-nine, entitled "an act supplemental to an act entitled 'an act to provide for a general system of railroad incorporations;'" and that said bonds be issued without regard to the amount of instalments called for by the individual stockholders of said company.

§ 2. This act to take effect from and after its passage.

APPROVED June 21, 1852.

AN ACT to incorporate Mount Nebo Lodge, No. Seventy-six, of Free and Accepted Masons. In force June 21, 1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all Corporators.

such persons as are or may hereafter become, and shall so remain members of Mount Nebo Lodge, No. Seventy-six, of Free and Accepted Masons, at Carlinville, Macoupin county, Illinois, from and after the passage of this act, shall be and they are hereby constituted a body corporate and politic, by the name and style of "Mount Nebo Lodge, Style No. Seventy-six, of Free and Accepted Masons," and by that name they and their successors shall have succession, and shall in law be capable of suing and being sued, pleading General power and being impleaded, answering and being answered unto, in all courts of law and equity whatsoever, and by that name and style be capable of purchasing and receiving, by gift or otherwise, holding and conveying real estate for the benefit of said lodge: *Provided*, that said corporation Trustee shall not at any one time hold property to an amount exceeding ten thousand dollars.

§ 2. For the purpose of carrying into effect the objects Trustees of this act, the three highest officers of said lodge shall always be and are hereby appointed trustees, to hold their offices as such in said lodge, as appointed by said lodge, and qualified from time to time.

§ 3. The said corporation shall have power to make By-laws. such by-laws and regulations as may be deemed necessary for the government of their concerns, and for the purchase and transfer of real estate.

§ 4. A certificate, under the seal of said corporation, Evidence of or organization. that the said lodge has been duly organized, recorded in the office of the clerk of the circuit court, shall be evidence of the existence and organization of said lodge.

This act to be in force from and after its passage. ;

APPROVED June 21, 1852.

In force June 21, AN ACT to incorporate the Princeton and West Hennepin Plank Road Company.

Corporators.	SECTION 1. <i>Be it enacted by the people of the State of Illinois, represented in the General Assembly,</i> That all such persons as shall become stockholders, agreeably to the provisions of this act, in the corporation hereby created, shall be, and for the term of thirty years from and after the passage of this act shall continue to be, a body corporate and politic, under the name and style of "the Princeton and West Hennepin Plank Road company," and by that name shall have succession for the term of thirty years, may sue and be sued, plead and be impleaded, answer and be answered unto, in all courts of law or equity, may make and use a common seal, and alter the same at pleasure, may make by-laws, rules and regulations for the management of their property, regulation of their affairs, and for the transfer of their stock, not inconsistent with the constitution of the United States, or of this state, and may purchase, hold and convey real estate.
Style.	
General power.	
Object.	
Capital stock.	§ 2. Said corporation shall have power to construct, maintain, and continue a plank road of such width as they may deem advisable by the directors of said corporation, on the route to be selected by them from said town of Princeton to said town of West Hennepin, in the county of Bureau.
Commissioner.	§ 3. The capital stock of said company may be thirty thousand dollars, divided into shares of fifty dollars each, which shall be considered personal property.
Notice.	§ 4. That Edward F. Pulsifer, Oaks Turner, of Putnam county, and Justus Stephens, Jacob P. Thompson, and William Carn, of Bureau county, or a majority of them, shall be commissioners for receiving subscription to the stock of said company, when and where, and after such notice as they or a majority of them shall agree upon; they may require security for the payment of subscription thereto, and partial payment thereof, from time to time, as they may deem necessary, before the same shall all be taken.
Directors.	§ 5. The affairs of said company shall be managed by three directors, one of whom shall be president of the board or company. The directors shall elect a secretary, who may be <i>ex officio</i> treasurer of the company. The said
Secretary.	directors shall be chosen by the stockholders of said company, as soon as five thousand dollars shall be subscribed of the stock of said company. Directors and other officers of the company shall continue in office for the space of one year, and until their successors shall be chosen and qualified. The first election of directors shall be held at the time and place appointed by the commissioners, but all subsequent elections shall be held and regulated according
Directors when chosen.	
First election.	

to the by-laws of the company. In all elections each share shall be entitled to one vote, personally or by proxy.

§ 6. Upon the election of directors, and organization of their board, the said commissioners shall deliver to said directors all moneys received by them as subscription to stock, the books of subscription, and other property of said company.

§ 7. The said corporation is authorized, as soon as the board of directors are elected, to commence the construction of said road, and as soon as three miles thereof shall be completed, may erect toll-gates thereon, and collect the toll allowed by this act. Said company shall keep said road in repair, and said corporation shall have power to construct bridges and causeways over any streams or sloughs, any where upon the route of said road they may deem necessary; and said company may have power to borrow any sum not exceeding ten thousand dollars to aid in construction of said road.

§ 8. The said company shall have power to fix and regulate the tolls to be charged and paid for passing on said road, which in no case be above the customary tolls on other plank roads; and it shall be lawful for any toll-gatherer to stop and detain any person going on said road, until the toll properly chargeable shall be paid; and any person who shall use said road, and refuse to pay said toll, shall forfeit and pay for such refusal the sum of three dollars and costs of suit, to be collected by said corporation by action of debt, before any justice of the peace of the proper county.

§ 9. Said company shall commence said road at West Hennepin, and build the same in a good substantial manner, above ordinary high water mark, from the Illinois river to the bluff, by throwing up the same to such a height as to be above high water mark, bridging the same, or using any other means in the construction of said road on the bottom or low lands, so that the travel on the same will not be at any season of the year obstructed by high water or inundation; and for this purpose, may use earth, timber, stone, or other material along the line of said road in accordance with the provisions of section number ten of this act. Said road to be completed to said bluff within two years from the passage of this act. Said company shall build at least two miles of said road every subsequent year thereafter, until the same is completed.

§ 10. The said corporation is hereby authorized to locate and construct said plank road over any lands owned by this state, or by individuals on the route of said road. Said company shall pay all damages that may arise or accrue to any person or persons by means of taking their lands, timber, rock, or gravel for the use of said road; and when the same cannot be obtained by the consent of the owners

Organization.

Commencement.

Toll-gates and tolls.

Bridges, &c.

Power to borrow money.

Rate of tolls.

Collection of tolls.

Penalty.

Point of commencement.

Mode of construction.

Materials, &c.

Time of completion.

Power to pass over state lands.

Damages how as- certained.	upon reasonable terms, it shall be estimated and recovered in the manner provided by law for the recovery of damages happening by the laying out of highways.
Ferry franchise.	§ 11. If said company shall complete three miles of said road from West Hennepin within two years from the passage of this act, as specified in section number nine of this act, they shall then be entitled to the ferry franchise at Hennepin, across the Illinois river, for and during the continuance of this charter, (subject to the lease William Ray now has upon it,) upon the following condition, to wit: They shall execute their bond in the sum of three thousand dollars to the people of the state of Illinois, for the use of the counties of Putnam and Bureau, with good and sufficient security, to be approved by the judge of the ninth judicial circuit, which bond shall be signed on behalf of said corporation by the president of the board, and filed in the clerk's office of the county court of Putnam county. Said
Bond.	bond shall be conditioned to complete the road as set forth in section number nine of this act, and further, to keep the same in good repair at all times for the use of the public. If
Condition.	said company shall file their bond, and receive the ferry across the Illinois river at Hennepin, as set forth in this section, it shall be the special duty of the prosecuting attorney of the ninth judicial circuit, whenever he shall be so directed by either of the county judges of the county of Putnam or Bureau, to commence suit against said corporation upon their bond, to be filed as aforesaid, for a violation thereof; which suit shall be tried in the circuit court of
Suit.	the county of Bureau; and if, upon the final trial of the suit, it shall appear that said company have violated any of the conditions of said bond, judgment shall be entered against them for the amount thereof, (which amount may be lessened in the sound discretion of the court,) and the court shall thereupon decree and have the same entered of record, that said ferry has reverted to the counties of Putnam and Bureau.
State and county roads.	§ 12. Said company shall have a right to use the whole width of any county or state road on the line of said plank road, for the purpose of constructing the same by agreement with the county court; and all persons residing on the line of said plank road, shall have the privilege of doing their highway work on said plank road i. commutation of tolls for the use of the same.
Right to macadamize.	§ 13. Said company may macadamize or gravel such portion of said road as lies within six miles of Princeton, instead of planking, if the directors thereof think advisable, and collect tolls thereon at two-thirds the rate they are
Proviso.	allowed to collect on the plank road: <i>Provided</i> , they shall at all times keep such parts of the road in good condition and repair.

§ 14. Said corporation are hereby authorized to lay down a railroad on said route, or any part thereof, and use ^{Railroad.} the same, and to that end they are hereby given all the rights and privileges which are conferred in "an act to provide for a general system of railroad incorporations," in force November 5, 1849.

This act to take effect and be in force from and after its passage.

APPROVED June 21, 1852.

AN ACT for the relief of the Peoria and Oquawka Railroad company. In force June 21, 1852.

Whereas the legislature, by an act approved February ^{Preamble.} tenth, eighteen hundred and fifty-one, authorized the governor of the state of Illinois to dispose of so much of the grade and right of way as the state of Illinois owned in or to the Peoria and Warsaw railroad to the Peoria and Oquawka Railroad company; and whereas said Peoria and Oquawka Railroad company find it impracticable to locate said road on said track, with the exception of a small distance in and nigh said city, therefore,

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the ^{Release of obligation.} said Peoria and Oquawka Railroad company be and they are hereby released from the payment of any obligation that they or their agent may have entered into with the governor of this state, for the grade or right of way of the Peoria and Warsaw railroad.

§ 2. This act to be in force from and after its passage.

APPROVED June 21, 1852.

AN ACT to incorporate the Carlville and Chesterfield Plank Road company. In force June 21, 1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That such ^{Corporators.} persons as shall become stockholders, agreeably to the provisions of this act, in the corporation hereby created, shall be a body corporate and politic, by the name and style of "The Carlville and Chesterfield Plank Road company," and shall by that name have perpetual existence, and by that name may sue and be sued, plead and be impleaded, answer and be answered unto, in all courts of law or equity; may make and use a common seal, and alter or ^{General powers.}

change the same at pleasure; may make by-laws, rules and regulations for the management of their property, regulation of their affairs and for the transfer of their stock, not inconsistent with the constitution of the United States and the constitution and laws of this state.

Objects.

§ 2. Said corporation shall have power to construct, maintain and continue a plank road of such width as they may deem advisable, by the directors of said corporation, from the said town of Carlinville to the town of Chesterfield, in the county of Macoupin, Illinois.

Capital stock.

§ 3. The capital stock of said company may be twenty-five thousand dollars, which shall be considered personal property, and divided in shares of fifty dollars each.

Commissioners.

§ 4. That E. Upham, John Logan, Thomas S. Gelder, John A. Chesnut, Samuel T. Mayo, B. T. Burke and John M. Palmer, or a majority of them, shall be commissioners for receiving subscriptions to the stock of said company, when and where, and after such notice as they or a majority of them shall agree; they may require security for the payment of subscriptions thereto, and partial payment thereof, from time to time, as they may deem necessary before the same shall be taken.

Directors.

§ 5. The affairs of said company shall be managed by five directors, three of whom shall be and form a quorum to do and perform the business of said company, who shall be chosen as soon as the sum of five thousand dollars shall be subscribed to the capital stock of said company. The said directors shall hold their offices for the space of one year, and until their successors are elected and qualified: they shall be chosen by the stockholders, each of whom may vote personally or by proxy, duly authorized in writing, casting as many votes as each stockholder shall own shares of said stock. Elections of directors shall be held at the time and place appointed by the commissioners, and all subsequent elections may be held and regulated by the by-laws of the company.

Books, &c.

§ 6. Upon the election of directors and organization of their board, the said commissioners shall deliver to said directors all moneys received by them on subscription to said stocks, together with all books of subscription and other property which may be in their hands, to the directors.

Toll-gates and
tolls.

§ 7. The said corporation is hereby authorized, as soon as the board of directors are elected, to commence the construction of said road, and as soon as any three miles thereof shall be completed, may erect toll-gates thereon and collect the toll allowed by this act. Said company shall keep said road in repair, and said corporation shall have power to construct bridges and causeways over any streams or sloughs, anywhere upon the route of said road they may deem necessary; and said company may have power to bor-

row an amount of money not exceeding the capital stock of said company, to aid in constructing said road.

§ 8. The said company shall have power to fix and regulate the tolls to be charged and paid for passing on said road, and it shall be lawful for any toll-gatherer to stop and detain any person going on said road until the toll properly chargeable shall be paid; and any person who shall use said road and refuse to pay said toll, shall forfeit and pay for such refusal the sum of three dollars, to be collected in the name of said corporation by an action of debt, before any justice of the peace of the proper county.

§ 9. The said corporation shall be allowed two years from the passage of this act to commence the said road, and shall complete the same within three years thereafter; and upon failure to do so, this charter and all the privileges herein granted shall be forfeited.

§ 10. The said corporation is hereby authorized to locate and construct said plank road over any lands owned by this state or by individuals on the route of said road. Said company shall pay all damages which may arise or accrue to any person or persons by means of taking their lands, timber, rock, stone or gravel, for the use of the said road; and when the same cannot be obtained by the consent of the owners, upon reasonable terms, it shall be estimated and recovered in the manner provided by law for the recovery of damages happening by the laying out, opening and establishing public highways.

§ 11. The said company or corporation may, and they are hereby authorized, to extend the said plank road, either by the main trunk or by lateral branches, so as to connect with any road or roads of like description in this state; which said extension or branches shall [be subject] to and governed by the provisions of this act.

§ 12. This act to be deemed and taken to be a public act, and as such shall be liberally construed in all courts and places whatsoever.

§ 13. This act to be in force and take effect from and after its passage.

APPROVED June 21, 1852.

AN ACT to define the time of holding circuit courts in the eleventh judicial circuit. In force June 21, 1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* The times of holding the circuit courts in the eleventh judicial circuit of this state shall be as follows: In the county of Will.

Iroquois.

Grundy.

Du Page.

Process, &c.

Grand jury.

Court of Will to
be always open
for chancery
purposes.

on the second Monday in March, first Monday in September and third Monday in December of each year; in the county of Iroquois on the Tuesday after the fourth Monday of April, and on the Tuesday after the third Monday in September of each year; in the county of Grundy on the fourth Monday in March, and the first Monday in October in each year; in the county of Du Page on the second Monday of April, and third Monday in October in each year.

§ 2. All process, suits, recognizances or other legal proceedings, that have been or may be set or returnable in and to any of said courts, at the terms of said courts so arranged by law, prior to the passage of this act, shall be equally valid as though this act had not been passed, and shall moreover be considered as set and returnable to the terms of the courts as fixed and established by this act.

§ 3. No grand jury shall be summoned for the December term of the Will county circuit court, unless the judge thereof shall, upon application of some person or persons in jail on some criminal charge, order the same.

§ 4. The circuit court sitting as a court of chancery, shall be always open in the county of Will, whenever the judge of the circuit court shall be present and ready to attend upon the same, but no jury shall be required to attend, unless upon special venire, except at regular terms.

§ 5. This act to take effect on its passage.

APPROVED JUNE 21, 1852.

In force June 21, 1852. AN ACT to amend an act entitled "an act to create the county of Gallatin out of the counties of Gallatin and Saline."

Time of election.

Object of election.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That on the first Monday in the month of August next, an election shall be held at all the precincts established in the counties of Gallatin and Saline, as heretofore existing, for the formation of the county of Gallatin, at which election the legal voters of the said counties of Gallatin and Saline shall vote for or against the formation of the said county of Gallatin, as provided for in an act to which this is an amendment; and if it shall appear after an examination of the vote, as hereafter provided, that a majority of the legal voters in each of said counties, who shall vote at said election, shall have voted for the formation of the county of Gallatin, out of the counties of Gallatin and Saline, then and in that case all that territory embraced in the said counties of Gallatin and Saline shall hereafter compose the

county of Gallatin, as provided for in the act to which this is an amendment. But if it shall appear on examination of the vote of said election, that a majority of the legal voters of either or both of said counties, who shall vote at said election, shall have voted against the formation of the county of Gallatin, as provided for in the act to which this is an amendment, then this act and the act to which this is an amendment shall cease to be in force, and be void and of no effect.

§ 2. The returns of said election in Gallatin and Saline Returns. counties shall be made to the clerk of the county court of each county, respectively, in the same time returns are required to be made in elections for county officers. The said clerk, within five days after the returns are received, shall open said returns and under oath shall make out a certificate, setting forth therein the number of votes cast at said election for and against the formation of the county of Gallatin, as appears from the said returns, and transmit within two days said certificate to the secretary of state; and for a failure to perform any of the duties imposed on Penalty. them by this act, they shall forfeit and pay the sum of one hundred dollars, to be sued for and recovered by any person for the use of the county who may sue for the same in an action of debt, before any court having competent jurisdiction.

§ 3. The secretary of state, within a reasonable time after receiving said certificates or returns, if it shall appear from the same that a majority of the votes of each of said counties, cast at said election were cast in favor of the formation of said county of Gallatin, shall cause proclamation to be made thereof, in all the newspapers published Proclamation. in the town of Springfield.

§ 4. If a majority of votes, as before provided, shall be cast for the formation of the said county of Gallatin, then on the first Monday in the month of September an election shall be held in said county for county officers who by County officers. the constitution and laws of the state are required to be elected in the several counties thereof, except justices of the peace and constables; and said election shall be held at the same places, and conducted in the same way, and returns thereof made and compared in the same manner as provided for in the fourth section of the act to which this is an amendment.

§ 5. At the time and place, as provided in the fourth section of this act, an election shall be held in said county of Gallatin for the permanent location of the county seat County seat. thereof, and the town of Equality is hereby designated as a point to be voted for as the county seat of said county. Said election to be conducted and returns made in the same way as provided in the said fourth section of this act;

and if a majority of the voters voting at said election shall vote for the location of the county seat at Equality, then the same is hereby declared to be the permanent county seat of said county.

Notices.

§ 6. The clerks of the county courts of said counties of Gallatin and Saline shall cause the same notice of the different elections provided for by this act to be given, as is required in elections for county officers.

§ 7. This act to take effect and be in force from and after its passage.

APPROVED June 21, 1852.

In force June 21, 1852. AN ACT to amend the first section of an act supplemental to "an act to incorporate the Northern Cross Railroad company, and to increase the number of directors of said company."

Termination of branch.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the first section of an act entitled "an act supplemental to an act entitled 'an act to incorporate the Northern Cross Railroad company,' approved February tenth, one thousand eight hundred and forty-nine," be so amended as to authorize the said Northern Cross Railroad company to terminate the lateral branch of said road at any point where the said railroad may connect with any other railroad extending northward to the city of Chicago, anything in the act to which this is an amendment to the contrary notwithstanding.

Increase of number of directors.

§ 2. That the directors of the said Northern Cross Railroad company may be increased so that the number thereof shall not exceed nine.

APPROVED June 21, 1852.

In force June 21, 1852. AN ACT to incorporate the town of Harrisonville, in Knox county, and to change the name to Hermon.

Corporation.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the citizens of Harrisonville, Knox county, Illinois, be and the same are hereby declared a body politic and corporate, with the privilege of exercising in their corporate capacity all the powers and privileges conferred upon towns by the several acts of this state authorizing the incorporation of

town and cities; such powers to be vested and exercised as in said acts designated.

§ 2. The said town of Harrisonville shall hereafter bear and be known by the name of Hermon, instead of Harrisonville. Change of name.

§ This act to be in force from and after its passage.

APPROVED June 21, 1852.

AN ACT to enable the county court of Randolph county to borrow money, and to levy a tax to pay the same.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the county court of Randolph county be and it is hereby authorized to borrow a sum of money not exceeding eight thousand dollars, as in the discretion of said court may be necessary, at a rate of interest not exceeding ten per centum per annum, for the purpose of enabling said county court to consolidate the county orders and indebtedness thereof outstanding on the first day of July, one thousand eight hundred and fifty-two; and the said sum of money, or so much thereof as may be borrowed, shall be applied exclusively to that purpose and no other. In force Nov. 3, 1852, it approved by the people of Randolph as provided in section 3.

§ 2. The money borrowed under this act by said county court of Randolph, shall not be borrowed for a longer time than six years from the first day of December next, and for the purpose of meeting the interest which may accrue and become due thereon, which interest shall be paid annually, and for the further purpose of enabling said county to pay the amount of the principal which is authorized to be borrowed by this act within the time aforesaid, the county court of said county is hereby further authorized to levy and collect a tax not to exceed the sum of twenty cents on the hundred dollars worth of taxable property in addition to the amount now assessed for county purposes; which shall be assessed and collected in the same manner as other county taxes are now assessed and collected, and which shall be designated as the "county loan tax," and shall cease to be levied so soon as the principal and interest of the loan be liquidated. Power to borrow money.

§ 3. The provisions of this act shall not be in force until after the election to be held on the first Tuesday after the first Monday in November next, at which time it shall be submitted to the legal voters of the county of Randolph, who may then vote for the loan or against the loan. Notice of such election shall be given, and such election shall be Object of loan.

Period of loan.

Special tax.

Designation.

Election.

held, and returns thereof made and canvassed in the same way and manner as is now provided by law for the election of county officers; and if upon canvassing said returns it shall be found that a majority of all the legal votes cast are in favor of, or for the loan, then this act shall be in full force, and the said county court shall be authorized to borrow money as aforesaid: *Provided*, that any legal voter of the county may contest such election as in the case of the election of county officers.

APPROVED June 21, 1852.

In force June 21, 1852. AN ACT to incorporate the Shawneetown and Equality Plank Road company.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all such persons as shall become stockholders agreeably to the provisions of this act in the corporation hereby created, shall be, and for the term of thirty years after the passage of this act shall continue to be, a body politic under the name and style of the "Shawneetown and Equality Plank Road company," and by that name shall have succession for the term of thirty years, may sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity, make and use a common seal, alter the same at pleasure, may make by-laws, rules and regulations for the management of their property, regulation of their affairs, and for the transfer of their stock, not inconsistent with the constitution and laws of the United States or of this state.

§ 2. Said company shall have power to construct, maintain and continue a plank road, of such width as they may deem advisable, from Main street in said town of Shawneetown, in Gallatin county, to the town of Equality, in said county.

§ 3. The capital stock of said company may be thirty thousand dollars, which shall be considered personal property, and divided into shares of fifty dollars each.

§ 4. That Michael K. Lawler, John D. Richeson, John T. Jones, Joseph E. Watkins, John B. Baily, Theodore S. Hagan, Thomas S. Ridgeway, James S. Rearden, and William A. Docker, or a majority of them, shall be commissioners for receiving subscriptions to the stock of said company when and where and after such notice as they or a majority of them shall agree: they may require security for the payment of subscription thereto, and partial payments

thereof, from time to time, as they may deem necessary before the same shall be taken.

§ 5. The affairs of said company shall be managed by ^{Directors.} five directors, three of whom shall be a quorum, to do and perform the business of said company, who may be chosen as soon as the sum of six thousand dollars shall be subscribed of the stock of said company. Directors shall continue in office for one year, and until their successors shall be elected and qualified. They shall be chosen by the stockholders, each of whom may vote personally or by proxy, casting as many votes as each may own shares. Elections of directors shall be held at the time and place appointed by the commissioners, after twenty days' notice, and all subsequent elections may be held and regulated according to the by-laws of the company, as also the filling of any vacancy that may occur in said board of directors.

§ 6. Upon the election of directors and organization of ^{Delivery of money, &c.} their board, the said commissioners shall deliver to said directors all moneys received by them on subscriptions to stock and books of subscription, and other property of said company.

§ 7. The said company is authorized, as soon as the ^{Toll-gates and Tolls.} board of directors is elected, to commence the construction of said road, and as soon as any two miles thereof shall be completed, may erect toll-gates thereon, and collect the tolls allowed by this act; and said company shall have power, and full authority is hereby vested in them, to construct bridges and culverts in the line of said road across ^{Bridges.} any streams, sloughs or swamps, and may collect the tolls charged by said company on the bridge erected by them across the north fork of the Saline river, in connection with said road, so soon as the same shall be so far completed as to ensure safe and convenient travelling over the same. Said company shall keep said road, bridges and culverts in repair, and shall have power in their discretion to improve the common highways coming into said plank road, by bridges, causeways, &c., but shall not charge any tolls for travelling or hauling on said common highways. And said company may have power to borrow not exceeding fifteen thousand dollars to aid in the construction of said plank road.

§ 8. The stockholders shall be individually liable for ^{Interest on Bonds.} the debts of said company contracted by the directors thereof, to the amount of their stock, and no further. The county court of Gallatin county may, by an order entered of record, grant the right of way, full and complete to said company on any of the public highways or parts of highways between the Main street of said town of Shawneetown and Equality.

Rates of toll.

§ 9. The said company shall have power to fix and regulate the tolls to be charged and paid for passing on said road and bridge across the north fork of the Saline river, and it shall be lawful for any toll-gatherer to stop or detain any person going on said road or bridge until the toll properly chargeable shall be paid; and any person who shall use said road or bridge, and refuse to pay said tolls, or comply with the regulations of said company (properly posted) at the gates thereof, shall forfeit and pay for such refusal or non-compliance the sum of five dollars, to be collected by action of debt before any justice of the peace of the proper county.

Penalty.

Commencement
of work.

§ 10. The said company shall have eighteen months from the passage of this act to commence the construction of said road, and shall complete the same from the Main street in Shawneetown to Equality, as also the bridge across the north fork of the Saline river, in five years, and upon a failure to do this this charter is forfeited.

Right of way.

§ 11. The said company is hereby authorized to locate and construct said plank road and bridge, and necessary toll houses and warehouses, on any land sites or right of way owned by this state free of charge, and on the lands of any individuals on the route of said road, but shall pay all damages that may arise or accrue to any person or persons by means of taking their lands, timber, stone or gravel for the use or construction of said road and bridge; and when the same cannot be obtained by the consent of owners upon reasonable terms, it shall be estimated and recovered in the manner provided by law for the recovery of damages happening by the laying out of highways.

Embankments,
&c.

§ 12. The said company are authorized to construct so much of said road, commencing at Main street in Shawneetown, and running towards Equality, as passes over lands subject to overflow and inundation, by embanking and macadamizing, gravelling or planking the same to such a height and width as they may deem advisable, so that the travel on the same will not be obstructed at any season of the year by high water or inundation, when the Main street of Shawneetown is not inundated by the freshets of the Ohio river; and for this purpose may use earth, timber, stone, gravel, and other materials along the line of said road in accordance with the provisions of section eleven of this act.

Limitation of
tolls.

§ 13. The rates of toll to be charged by said company for travel upon said road shall not exceed the following rates: For every vehicle drawn by one animal, two cents per mile; for every vehicle drawn by two animals, three cents per mile; for every vehicle drawn by more than two animals, three cents per mile, and one half cent additional per mile for every animal more than two; for every ten or

less of neat cattle, one cent per mile; for every ten or less of sheep or swine, one cent a mile; and for every horse and rider or led horse, one cent a mile.

§ 14. No toll-gates shall be erected on said road, or Restriction. toll exacted nearer the wharf in said town of Shawneetown, than one mile and a quarter.

§ 15. This act to be deemed a public act, and take effect from and after its passage.

APPROVED June 21, 1852.

AN ACT to provide for the residence of paupers in Tazewell county. In force June 21, 1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That if any person shall become chargeable in any township of the county of Tazewell, in which he or she did not reside at the commencement of the thirty days immediately preceding his or her becoming so chargeable, he or she shall be taken care of by the overseers of the poor of such township, and if such poor person was a resident of any other township of said county, within the thirty days aforesaid, then the overseers of the poor of the township having such poor person on charge, shall give notice to the overseers of the poor where such pauper resided as aforesaid, stating that such pauper became chargeable as a pauper, and requesting said overseer to remove said pauper forthwith, and pay the expenses incurred in taking care of him or her. Paupers, on what towns to be chargeable.

§ 2. That the provisions of section, fourteen, fifteen and sixteen, of chapter eight of the Revised Statutes, entitled "paupers," shall apply to and operate as between the several townships of said county in the same manner as they do between the several counties of this state; and if any person shall become chargeable in any township of said county, who did not reside in said county at the commencement of the thirty days as aforesaid, then the overseer of the poor having such pauper in charge, shall give notice thereof to the county clerk of said county, whose duty it shall be to give notice thereof to the authorities of the proper county as in other cases, and the expenses of taking care of such pauper, when received from such foreign county, shall be paid into the treasury of the proper township. Application of provisions of Revised Statutes.

This act to take effect from and after its passage.

APPROVED June 21, 1852.

In force Aug. 22, 1852. AN ACT to incorporate the Belleville and Illinois Railroad company.

Corporators.	<p>SECTION 1. <i>Be it enacted by the people of the State of Illinois, represented in the General Assembly,</i> That Samuel B. Chandler, Edward Tittman, Jacob Knöbel, Frederick Von Schrader, Asbury Harrison, Russell Hinckley, Edward Abend, Charles Chouteau, Robert Christie, jr., James H. Lucas, Narcisse Pensoneau, John Winter, Alexander Kayser, Philip B. Fouke, James W. Hughes, Samuel Stooker, James Mitchell, Joseph Kirkpatrick, James L. D. Morrison, Frederick Kempff, William H. Snyder, William W. Roman, and such other persons as they associate with them for that purpose, are hereby made and constituted a body corporate and politic by the name and style of the "Belleville and Illinoistown Railroad company," with perpetual succession, and by that name and style shall be capable in law of taking, holding, purchasing, leasing, selling and conveying estate and property, real, personal and mixed, so far as the same may be necessary for the purposes hereinafter mentioned, and no further; and in their corporate name may sue and be sued, to have a common seal, which they may alter or renew at pleasure, and may have and exercise all powers, rights, privileges, and immunities which are or may be necessary to carry into effect the purposes or objects of this act, as the same are herein set forth.</p>
Style.	<p>§ 2. The Belleville and Illinoistown Railroad company shall have full power and authority to locate, and from time to time, to alter, change, relocate, construct, re-construct, and fully to finish, perfect, and maintain a railroad, with one or more tracts, commencing at Belleville, in the county of St. Clair, and running from thence, upon a route to be by said company selected, to Illinoistown, and to take, transport, and carry property and persons upon said railroad, by power or force of steam, or of animals, or of any other power or other combination of them, which said company may choose to use or apply; and for the purpose of constructing said railroad or way, said company shall have power and authority to lay out, designate, and establish their said road in width not exceeding one hundred and fifty feet through the entire line thereof, and may take and appropriate to their own use all such lands so designated for the line and construction of said road, upon first paying or tendering therefor such amount of damage as shall have been settled by appraisal in the manner hereinafter provided, on all such lands so designated for the line and construction of said road, and all such lands as may be taken, or upon any track which may be located by said company; and for the purpose of embankments, cuttings, obtaining of stone, gravel, and sand, may take and appropriate as much more land as may be necessary for the proper construction,</p>
General powers.	
Power to construct and operate road.	
Right of way.	

maintenance, and security of said road; and for constructing shops, depots and other suitable, proper and convenient fixtures in connection with, and appurtenances to said railroad, may take and have, use and occupy any lands upon either side of said railroad, not exceeding two hundred feet in depth from said railroad, said company taking all such lands by gift, purchase or condemnation, and making satisfaction for the same as hereinafter provided: *Provided*, Provide. that this section shall not be construed to restrict or prevent the construction of public roads or railroads across the road of said company when deemed expedient, but not so as to materially impair or obstruct the same.

§ 3. The said company, and under their direction their agents, servants and workmen, are hereby authorized and empowered to enter into and upon the lands and grounds of or belonging to the state, to any person or persons, body politic or corporate, and survey and take levels of the same, or any part thereof, and to set out and ascertain such parts as they shall think necessary and proper for the making of said railroad with one or more sets of tracts or rails, and for all the purposes connected with said railroad, for which said corporation, by the last preceding section, is authorized to have, take, and appropriate any lands, and to fell and cut down all timber and other trees standing or being within one hundred feet on each side of said line of said railroad; the damages occasioned by the felling of such trees, unless Damages. otherwise settled, to be assessed and paid for in manner hereinafter provided for assessing and paying damages for lands taken for the use of said railroad company; also from time to time to alter, repair, amend, widen or enlarge the same, or any of the conveniences above named, as well for carrying goods, commodities, timber or other things to and upon the said railroad, as for conveying all manner of materials necessary for the making, erecting, furnishing, altering, repairing, amending or enlarging the works of or connected with said road, and to contract and agree with the owner or owners thereof for earth, timber, gravel, stone, or other material, or any articles whatever which may be wanted in the construction and repair of said road or any of its appurtenances; the said company doing as little damages as possible in the execution of said powers hereby granted, and making satisfaction in the manner hereinafter mentioned for all damages to be sustained by the owners or occupiers of said land.

§ 4. The said company shall have power to take, receive, and hold all such voluntary grants and donations of land and real estate for the purposes of said road as may or shall be made to said company to aid in the construction, maintenance and accommodation of said road, and said company may contract and agree with the owners or occu- Grants, &c.

piers of any land upon which said company may wish to construct said road or way, or which said company may wish to use or occupy for the purpose of procuring stone, sand, gravel, or earth, or other materials to be used in embankments, or otherwise in or about the construction, repair, or enjoyment of said road, or which said company may wish to use or occupy in any manner, or for any purpose or purposes connected with said road; which said company is authorized or empowered by this act to have or appropriate any lands, and to take and receive grants and conveyances of any and all interests and estate therein, and to them and their successors or assigns in fee or otherwise. And in case said company cannot agree with such owner or owners or occupiers of such lands as aforesaid, so as to procure the same by the voluntary act or deed of such owners or occupiers of such lands as aforesaid, so as to procure the same by the voluntary act or deed of such owners or occupiers, then the price and value of such lands may be fixed, estimated and recovered in the manner provided for taking lands for the construction of public roads, canals, or other public works, as prescribed by the act relating to the public right of way, approved March 3, 1845; but when the owners or occupiers, or either of them of such lands, shall be a *femme covert, infant, non compos mentis*, unknown or out of the county in which the said lands or property wanted may lie or be situated, the said company shall pay the amount that shall be awarded as due to the last mentioned owners respectively, whenever the same shall be lawfully demanded; that to ascertain the amount to be paid as above to the said owners or occupiers for lands and materials taken for the use of said corporation, it shall be the duty of the governor of the state, upon notice given to him by the said corporation, to appoint three commissioners, to be persons not interested in the matter, to be determined by them, to determine the amount of damages which the owners or occupiers of the land or real estate so entered upon by the said corporation has or have sustained by the occupation of the same; and it shall be the duty of the said commissioners, or a majority of them, to deliver to said corporation a written statement of the award or awards they shall make, with a description of the land or other real estate appraised, to be recorded by the said corporation in the circuit clerk's office of St. Clair county, and then the said corporation shall be deemed to be seized and entitled to the fee simple of all such lands and real estate, and shall exercise over the same all the rights, privileges, franchises and immunities in said act contemplated: *Provided*, that notice by publication in some newspaper in St. Clair county shall be first given, for thirty days, to the owners or occupiers, or unknown owners as the

case may be, of the intention on the part of the said corporation to apply to the governor for the appointment of commissioners as herein provided: *And provided further*, that any appeal which may be allowed under the provisions of the act above mentioned, or of any general law of this state, shall not effect the possession by said company of any of the lands appraised or taken under this act, and when the appeal may be taken, or writ of error prosecuted by any person or persons other than the said company, the same shall not be allowed except on the stipulation of the party so appealing or prosecuting such writ of error; that the said company may enter upon and use the land described in the petition, or required by the said company for the uses and purposes of the said road, upon said company giving bond and security, to be approved by the clerk of the circuit court of the county of St. Clair, that they will pay to the party appealing or prosecuting such writ of error all costs and damages that may be awarded against them on the final hearing of such appeal or writ of error, within thirty days after the rendition of the same, or forfeit all right to use the land on the way so condemned.

§ 5. The capital stock of said company shall be one hundred thousand dollars, which may be increased from time to time, by a vote of a majority in interest of the stockholders at their annual meeting, or at any special meeting which may be called for that purpose by the directors of said company, to any sum not exceeding the entire amount expended on account of said road; which stock shall be divided into shares of fifty dollars each, which shall be deemed personal property, and which may be issued, certified and registered and transferred, in such manner and at such places as may be ordered and provided by the board of directors, who shall have power to require the payment of stock subscribed in the manner, and at the time, and in such sums as they may direct; and on the refusal or neglect on the part of stockholders, or any of them, to make payment on requisition of the board of directors, the shares of such delinquents may, after thirty days' public notice, be sold at auction under such rules as the directors may adopt; the surplus money, if any remains after deducting the payment due with the interest and necessary cost of sale, to be paid to the delinquent stockholder. The board of directors herein named and appointed, shall cause books to be opened for subscription to the capital stock of said company, at such times and places, and in such manner as they shall direct: *Provided*, that as soon as fifty thousand dollars of *bona fide* subscription to said capital stock shall be made, and five per cent. thereon paid in, it shall be lawful for said company to commence the construction of said road.

Directors.

§ 6. All the corporate powers of said company shall be vested in and exercised by a board of directors, to consist of not less than seven, nor more than seventeen in number, and such other officers, agents and servants as they shall appoint. The first board of directors shall consist of George Bressler, Asbury Harrison, Russell Hinckley, Frederick Von Schrader, Samuel B. Chandler, Edward Tittman, Joseph Kirkpatrick, James Mitchell, Charles Chouteau, Alexander Kayser, Jacob Knœbel, Edward Abend, Conrad Bornman, Francis Stoltz and James L. D. Morrison, who shall hold their offices until their successors are elected and qualified. Vacancies in the board may be filled by vote of two-thirds of the directors remaining. Such appointees to continue in office until the next regular annual election of directors is held; and which said annual election of directors shall be held on the first Monday in June in each year, at the office of the company, thirty days' notice being given in a newspaper published at Belleville and St. Louis.

Votes.

§ 7. At any election held for the election of directors, each share of stock shall be entitled to one vote, to be given either in person or by proxy, and the persons receiving the largest number of votes to be declared duly elected, and to hold their offices until the next annual election, and until their successors in office are elected and qualified. All elections to be conducted by three judges, to be selected by the stockholders present.

Offices of company.

§ 8. The office of the said company shall be located in the city of Belleville, and the directors herein named are required to organize the board by electing one of their number president, and by appointing a secretary and treasurer.

Equipments of road.

§ 9. Said company shall have power to purchase, with the funds of the company, and contract for, and place on the railroad hereby authorized to be constructed, all machines, wagons, carriages and vehicles of any description which they may deem necessary and proper for the purpose of transportation on said railroad, and they shall have power to charge for tolls and transportation and rates of fare, such sums as shall be lawfully established by the by-laws of said company, not to exceed, however, on the article of bituminous coal, thirty-five cents a ton from Belleville to Illinoistown.

Tolls.

Locomotive and cars.

§ 10. The said company hereby chartered shall be required to keep and use a sufficient number of locomotives, passenger and freight cars, and the other conveniences properly pertaining to a railroad, to carry and transport all the passengers and freight requiring transportation upon the said road, and shall transport the same, and shall have the power to make, ordain and establish all such by-laws,

rules and regulations as may be deemed expedient and necessary to fulfil the purposes, and carry into effect the provisions of this act, and for the well ordering and securing the affairs, business and interest of said company, not incompatible with the constitution and laws of this state.

§ 11. The said board of directors shall have power to ^{Regulations.} regulate the manner of transportation of persons and property, the width of the track, the construction of wheels, the form and size of cars, the weight of loads, and all other matters and things respecting the use of said road, and the conveyance and transportation of persons and property thereon.

§ 12. Whenever it shall be necessary for the construction of said railroad to intersect or cross a track of any ^{Intersections.} other railroad, or any stream of water or water course, or road or highway, lying on the route of said road, it shall be lawful for the company to construct their railroad across or upon the same: *Provided*, that the said company shall ^{Proviso.} restore the railroad, stream of water, water course, road or highway thus obstructed or crossed to its former state, or in a sufficient manner not materially to impair its usefulness.

§ 13. The said company shall annually or semi-annually ^{Dividends.} make such dividend as they may deem proper of the net profits, receipts or income of said company, among the stockholders therein, in proper proportion to their respective shares.

§ 14. The said company shall have power, and are ^{Real estate.} hereby authorized, to receive, take, hold and again to alienate, any amount of lands, not to exceed twelve hundred acres at any one time, and to mine and work the coal beds therein, and to transport the coal mined therefrom, and to this end may contract with any other railroad company for the lease or purchase of their tracks, rights, ways, privileges, franchises, coal fields, engines, machinery, lands and other property, paying therefor money, bonds, or stock in the said railroad company hereby chartered, and may make, have, use and maintain any and all branch roads by the said company deemed necessary in transacting their business, condemning all lands and ways therefor as herein is above provided. The said company is also empowered to lease or purchase of the county of St. Clair, all the ferry right and franchise which said county now has for a ferry across the Mississippi river opposite St. Louis, or such an interest therein as the said county may, by an order of the county court entered upon their records, agree to sell or lease to the said company, and to be paid for by said company in money, bonds or stock of said company, as the same may be agreed upon; and the said county court are

hereby authorized so to sell or lease the said ferry for any period they may agree upon with said company.

City of Belleville
allowed to sub-
scribe.

§ 15. The said company may accept subscriptions to the stock of said road, from the city of Belleville and the county of St. Clair, or either of them, to an amount not to exceed twenty-five thousand dollars each; and for the purpose of raising the amount so to be by them subscribed, the said city of Belleville, by her corporate authorities, and the said county of St. Clair, are hereby authorized and empowered to borrow any sum not exceeding twenty-five thousand dollars each, payable at such times and places and in such sums and with such rate of interest as may be agreed upon, and may issue their city and county bonds therefor, under their respective seals.

Penalty.

§ 16. If any person shall do, or cause to be done, or aid in doing or causing to be done, any act or acts whatever, whereby any building or construction or work of said company, or any machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired or weakened, injured or destroyed, the person or persons so offending shall be guilty of a misdemeanor, and may be punished, upon conviction, by fine in any sum not exceeding five hundred dollars, or by imprisonment not exceeding five years, or by both, at the discretion of the court, and shall forfeit and pay to the said corporation treble the amount of damages sustained by reason of such offence or injury, to be recovered in the name of said company, with costs of suit, in an action of trespass, before any justice of this state, or before any court having jurisdiction thereof.

Extension of
road.

§ 17. Said company shall have the power to extend to and unite its railroad with any other railroad now constructed, or which may hereafter be constructed in this state; and for that purpose full power is hereby given to said company to make and execute such contracts with any other company as will secure the objects of such connection.

Power to borrow
money.

§ 18. Said company is hereby authorized, from time to time, to borrow such sum or sums of money as may be necessary for completing and finishing or operating their said railroad, and to issue and dispose of their bonds in denominations of not less than five hundred dollars, for any amount so borrowed, and to mortgage their corporate property and franchises, or convey the same by deed of trust, to secure the payment of any debt contracted by said company for the purposes aforesaid; and the directors of said company may confer on any bondholder of any bond issued for money borrowed as aforesaid, the right to convert the principal due or owing thereon into stock of said company, at any time not exceeding ten years from the date of the

bond, under such regulations as the directors of said company may see fit to adopt; and all sales of bonds for less than their par value shall be good and valid and as binding upon said corporation as if the same were sold for the full amount thereof.

§ 19. The said company hereby chartered shall be required to construct and operate their said road according to the terms of this charter, within five years from the passage of this act, which shall be taken and received as a public law, in all courts and places whatsoever. Limitation.

APPROVED June 21, 1852.

AN ACT extending the jurisdiction of justices of the peace.

In force June 22, 1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all fines, penalties, and forfeitures incurred under section third of the act of the general assembly of this state, approved February seventeenth, eighteen hundred and fifty-one, entitled "an act to amend an act entitled 'an act to provide for the construction of plank roads by a general law,'" may be sued for, prosecuted and recovered before any justice of the peace of the county where said fine, penalty or forfeiture is incurred, or before any justice of the peace of the county where the offender may be found. Mode of recovering fines and penalties.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED June 22, 1852.

AN ACT to amend an act approved February 12th, 1851, authorizing Joseph McCoy and others to peddle goods in the state of Illinois. In force June 22, 1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the name of Roderick R. Lorton be inserted in the place of William Lorton wherever it appears in said act, and the privileges therein extended to said William Lorton are hereby taken from him and vested in the said Roderick R. Lorton, the real person intended. Name substituted.

§ 2. All the privileges granted by the act to which this is an amendment are hereby granted to Edward Kiernan, of Ottawa, in La Salle county; to Jacob Whitmore of Privileges extended to other persons.

Joliet, in Will county, and to William H. Hartley, of Morgan county.

This act to be in force from and after its passage.

APPROVED JUNE 22, 1852.

In force June 22, 1852. AN ACT amendatory of of an act entitled "an act to incorporate the Ohio and Mississippi Railroad company, and for other purposes," approved February 12th, 1851.

- SECTION 1.** *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the Ohio and Mississippi Railroad company are hereby authorized to borrow money, from time to time, on the credit of the company, at any rate of interest not exceeding seven per cent. per annum, as may be agreed on between the parties, for the sole purpose of constructing said road and furnishing the same with cars, locomotives and other machinery necessary to carry on the operations of said company, and may issue its corporate bonds therefor, in denominations of not less than five hundred dollars; and to secure the payment thereof, with the interest that may accrue thereon, may mortgage their corporate property or franchises, or convey the same by deed of trust for said purposes. And they may, by their president or other officers or agents, sell, dispose of, or negotiate such bonds or stocks of said company, at such times and places, either within or without the state, and at such rates and for such prices as in their opinion will best advance the interest of said company, and if such bonds or stocks are thus sold at a discount, such sale shall be as valid and binding in every respect as if sold at par value.
- § 2.** The certificate of the secretary of said company, under the corporate seal thereof, shall be received in all courts of justice and elsewhere, as evidence of the regular organization of said company under its charter, and of any act or order of the board of directors of said company, and the corporate rights, privileges and franchises of said company as granted are hereby declared to be in full force and effect, and all causes, if any exist, of forfeiture waived.
- § 3.** The said company shall carry and transport the mail of the United States on such terms as may be agreed, and all such freights and passengers as may be offered, if required so to do, on the terms usual with like railroad companies.
- § 4.** The capital stock of the company may, from time to time, be increased by order of its board of directors,

when deemed necessary, to any amount not exceeding the estimated cost of constructing and equipping said road, and subscriptions to the increased capital stock may be made, from time to time, on such terms as may be ordered and directed by the board of directors of said company.

§ 5. This act shall be deemed and taken as a public act, and shall be in force from and after its passage.

APPROVED June 22, 1852.

AN ACT to change the times of holding court in the tenth judicial circuit. In force June 22, 1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That from and after the passage of this act the November term of the Fulton county circuit court shall be holden on the second Monday in November, in each year, and that the November term of the circuit court of Peoria county shall be holden on the third Monday in November, in each year; that all writs and process which may have been or may be issued and made returnable to the terms of court in said counties, as heretofore required to be holden, shall be deemed and taken to be returnable to said terms of court as required to be holden under this act; and all notices which may have been given, either by publication or otherwise, and all suits or motions now pending, with reference to the terms as heretofore required to be holden, shall, by force of this act, refer to the terms of court as herein required to be held, and all proceedings pending in said courts shall be taken up and disposed of as if no alteration had been made in the times of holding said court. Fulton. Peoria. Writs, &c.

APPROVED June 22, 1852.

AN ACT to amend the law relating to contempts of court.

In force Aug. 22, 1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That in all cases where any person is or shall be imprisoned for any contempt of court, for the non-performance of any order or decree for the payment of money, the person so committed may present a petition to the circuit court in the circuit where he is or committed in term time, or the judge thereof in vacation, setting forth his inability to comply Proceedings to discharge persons committed for contempts.

with such order or decree, or to endure the confinement, and thereupon said court or judge shall issue a writ of *habeas corpus*, causing the person so imprisoned to be brought before such court or judge, and if it appear, upon full examination of such prisoner and such witnesses and other evidence as may be adduced, that he is unable to comply with the order or decree under which he is imprisoned, or to endure the confinement, and that the person or persons interested in said decree have had reasonable notice of the time and place of trial, that the judge may, in his discretion, discharge such person from imprisonment; but no such discharge shall operate to release the lien of such order or decree, but the same shall be enforced against the property of such person by execution.

APPROVED June 22, 1852.

In force June 22, 1852. AN ACT to amend an act incorporating the Fayette Seminary, approved February fifteenth, one thousand eight hundred and fifty-one.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the board of trustees of said seminary be and they are hereby authorized to draw from the county treasury of the county of Fayette the sum of two hundred dollars, realized from the sale of lot number seven, in square number thirty-five, in the town of Vandalia, and that the sum when so drawn shall be expended by said board for the use and benefit of said seminary, in such way as said board shall direct.

\$200 to be paid
from county
treasury.

Part of act re-
pealed.

§ 2. That so much of an act entitled "an act to dispose of the public property in Vandalia," approved February sixth, one thousand eight hundred and forty-three, as contravenes the provisions of this act, be and the same is hereby repealed.

This act to take effect and be in force from and after its passage.

APPROVED June 22, 1852.

In force June 22, 1852. AN ACT to amend an act entitled "an act to provide for the construction of plank roads by a general law," approved February 12th, 1849.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That companies may be incorporated under and by virtue of the act

to which this is an amendment, for the construction of plank roads across river or creek bottoms liable to overflow, and when formed they shall be allowed to take toll on the same when completed, as required by the said act, although the distance may be less than two consecutive miles: *Provided*, that the provisions of said act shall be otherwise strictly observed in forming the companies and building said roads. Plank roads over bottoms, &c. Proviso.

§ 2. It shall be lawful for said company to charge and take such rates of toll on roads across river or creek bottoms built by them, as they may agree upon with the county court of the county in which such roads may lie, and the said courts shall have power to regulate the rates of tolls to be taken by such companies, by an order fixing the same, and entered of record. Tolls.

§ 3. It shall be lawful for counties to become stockholders in companies formed under this amendatory act, to the amount of one half of the stock of such companies: *Provided*, that the plank road made or to be made by any such company, shall lie within the county taking stock. Counties may take stock. Proviso.

§ 4. This act to be in force from and after its passage.

APPROVED June 22, 1852.

AN ACT to incorporate the Lacon, Wyoming and Toulon Plank Road company.

In force Aug. 3^d,
1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That William Fisher, Silas Ramsey, Ira J. Fenn, Theodore Perry, Gen. Thomas, Thomas Henderson, Oliver Whitaker, William Ogle, and their associates and successors, be and they are hereby constituted a body corporate and politic, to have perpetual succession and existence, to be known as "The Lacon, Wyoming and Toulon Plank Road company," and by that name and style may contract and be contracted with, sue and be sued, plead and be impleaded, as a natural person, and shall be so recognized in courts of law and equity. and have a common seal, alter the same at pleasure, and they shall have power in their corporate name, for the use of said corporation, to purchase and hold such real estate as may be necessary for the free enjoyment of all privileges herein granted, for the purpose of constructing a plank road from the west bank of the Illinois river, at the town of Lacon, in Marshall county, to and through Wyoming, in Stark county, thence to Toulon, in said county, and thence westward to such point as may be designated by said company. Corporators. Style. General powers.

By-laws, &c.

§ 2. Said corporation may, by their board of directors, make by-laws, rules and regulations for the management of their property, regulation of their affairs and for the transfer of their stock, not inconsistent with the constitution and laws of the United States or of this state; also may erect, keep and maintain one or more warehouses, on or near the west bank of the Illinois river, at or near the eastern terminus of said road.

Capital stock.

§ 3. The capital stock of said company may be fifty thousand dollars, which shall be considered personal property, and be divided into shares of twenty-five dollars each.

Commissioners.

§ 4. That Theodore Perry, Thomas Henderson, William Thomas, Ira J. Fenn and Silas Ramsey, or a majority of them, shall be commissioners for receiving subscriptions to the stock of said company, when and where and after such notice as they or a majority of them shall agree, and they may require partial payments thereof, from time to time, before the subscriptions shall all be taken.

Directors.

§ 5. The affairs of said company shall be managed by five directors, three of whom shall be a quorum to do and perform the business of said company, who shall be chosen as soon as the sum of fifteen thousand dollars shall be subscribed of the stock of said company. Directors shall continue in office one year and until their successors shall be qualified; they shall be chosen by the stockholders, each of whom may vote personally or by proxy, casting as many votes as each may own shares of stock. The first election of directors shall be held at the time and place appointed by the commissioners, and all subsequent elections may be held and regulated according to the by-laws of the company.

How chosen.

Delivery books,
moneys, &c.

§ 6. Upon the election of directors and organization of their board, the said commissioners shall deliver to said directors, all moneys received by them on subscriptions of stock, and books of subscription and other property of said company.

Toll-gates and
tolls.

§ 7. The said corporation is authorized, as soon as the board of directors are elected, to commence the construction of said road, and as soon as any two miles thereof shall be completed, may erect toll-gates thereon, and collect the tolls thereon at any rate not exceeding three cents per mile for any vehicle drawn by two horses, and other teams in proportion. The said company may have power to borrow not exceeding twenty-five thousand dollars, in such mode as they may elect, to aid in constructing the said road.

Power to borrow
money.Time for comple-
tion of road.

§ 8. The said corporation shall be allowed three years from the passage of this act to complete the construction of said road from Lacon to Wyoming, and five years to

complete the same to Toulon, and upon failure to do this, this charter is forfeited.

§ 9. Said company may procure, by purchase or gift Right of way. from the owners thereof, any lands, or the right of way over any lands necessary for the construction of said road, and the other purposes of this corporation as herein specified, and may also agree to the use of any part of a public highway for the construction of said road with the county court of the county in which such highway may be situated. Such agreement with said court shall be in writing, and shall be filed and recorded in the office of the clerk of the said court. Before constructing said road, said company shall cause an accurate survey of said road, or such portion of the same there proposed to be built, to be made by a practical surveyor, signed by at least two of the directors, acknowledged by them, and filed in the office of the clerk of the county court.

§ 10. The route surveyed as aforesaid shall be the Route. route of said road unless altered by the directors, and in that case such alterations shall be signed, acknowledged, and filed as aforesaid, and the said company may thereupon enter upon, and take, and hold, subject to the provisions of this act, all such lands as the said survey or alterations thereto shall describe, as necessary for the construction of said road, and that may be necessary to carry out the provisions of this act. But before entering upon any such lands, the company shall purchase the same of the owners thereof, or, pursuant to the provisions of this act, acquire the right to enter upon and hold the same.

§ 11. If any owner of any such land shall from any cause be incapable of selling the same, or if said company cannot agree with such owner for the purchase thereof, or if, after diligent enquiry, the name and residence of any such owner cannot be ascertained, or if such owner be a non-resident of this state, the company may present to the county judge of the county in which the lands lie a petition, setting forth the grounds of the application, a description of the lands in question, and the name and residence of such owner if known, and the means that have been taken to ascertain the name and residence of such owner if unknown, and praying that the damages of the owner of the lands described in the petition may be ascertained by said court. Proceedings to obtain right of way.

§ 12. Upon receiving such petition, the said judge shall appoint a time, at some regular or special term of the county court for the county, for the hearing of the petition. At least ten days' notice of the time and place of the hearing of the petition shall be served personally upon each owner of the lands described in the petition, if he reside in the county where said land is situated, and said notice shall Hearing of petition.

be served on all others in like manner, or by publication thereof, for four successive weeks, in some newspaper published in the county in which the lands lie, or if there are none published in said county, then in the nearest newspaper; the first of which publications shall be at least sixty days before the hearing.

Judgment.

§ 13. At the time appointed for the hearing, the county court shall, after hearing the evidence offered by the parties, assess and determine the damages which the owner of any such lands will sustain over and above the value the owner will derive from the building of said road. The assessment of the court, which shall contain the name of the owner and an accurate description of the lands to be taken, shall be entered of record by the clerk of said court, and such assessment shall be final, subject only to the right of appeal by either party to the circuit court, on the same terms as is by law provided for appeals from the county court in other cases.

Payment of damages.

§ 14. Within thirty days after the assessment of damages by the county court as aforesaid, or after the final trial in the appellate court, if an appeal be taken, or at least before the said company shall take possession of said land, the said company shall pay to the person entitled to receive the same, the amount assessed as such damages, or shall make a legal tender thereof to him, and in case the owner or person entitled to the same is a non-resident, or not a resident of the county wherein said assessment is made, or unknown, and proof being made of such fact by affidavit, the county judge shall order the amount due such owner to be deposited with the county treasurer of the county in which the lands lie, for the use of the owner, thereupon the said company may take possession of said lands, and hold the same in the same manner as those acquired by purchase or gift, for the purposes of said road.

Penalties.

§ 15. If any person or persons shall wilfully cut down or break, deface, or injure any mile post or posts on any such road, or shall wilfully cut or throw down, break or injure any gate, fence or appendage erected on said road, or wilfully tear up, displace, break or injure in any [way] said road, or anything thereunto belonging, or bring an appendage or for the use and convenience of such road, he or they shall respectively and individually forfeit and pay to said company three times the amount of the damage actually done, and in every instance he or she shall forfeit and pay at least the sum of twenty-five dollars. If any person, to avoid the legal tolls chargeable on said road, turn off said road and pass around and avoid any gate on said road, he or she shall forfeit and pay to said company, for every offence, the sum of ten dollars. If any person shall forcibly pass any toll-gate on said road without having paid the le-

Penalty for avoiding payment of tolls.

gal toll as fixed by the directors, without the permission of the toll collector, he or she shall forfeit and pay to said company the sum of twenty-five dollars for each offence.

§ 16. All penalties and forfeitures incurred under this act may be recovered by action of debt in any court having cognizance thereof; and when the penalty or forfeiture does not exceed the sum of one hundred dollars, the same may be prosecuted and recovered before any justice of the peace of the county where the offender or offenders may be found. All suits by and against said company shall be brought and prosecuted to judgment in and by their said corporate name. Penalties, how recovered.

§ 17. The shares in this company may be transferred by assignment, and any subscriber to the capital stock of said company shall not be responsible beyond the actual amount of stock so by him subscribed. Shares transferable.

§ 18. This act of incorporation is hereby declared a public act.

APPROVED June 22, 1852.

AN ACT to authorize the construction and use of the railroad of the Union in force June 22, 1852.
Railroad company.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the Union Railroad company be and is hereby authorized to maintain and use or construct and build a railroad, at and from the point on the Indiana line, in Cook county, where the New Albany and Salem Railroad terminates; thence in a westerly and north-westerly direction, until it intersects a railroad now built southerly from Chicago, and with which it is now connecting at the point now known as the junction; and the road above mentioned is hereby declared to be of sufficient public utility to justify the taking of private property for the construction of and maintaining the same, and the acts done by said company are hereby legalized, and the said Union Railroad company is authorized to make such contracts and agreements for the transportation of passengers and freight, and for the construction, maintenance or use of its said railroad with any road of which it may be an extension, as to the board of directors may seem proper. Authority to make road. Private property. Acts legalized.

§ 2. The said company shall have power, and is hereby authorized, to extend its said road to the city of Chicago whenever it shall be deemed expedient so to extend it, and Power to extend.

for that purpose enjoy and use all the powers conferred by the preceding section.

Power to acquire property.

§ 3. The said company shall be, and is hereby authorized and empowered, to acquire within or in the vicinity of the city of Chicago, and to hold, use and occupy such lands as it may acquire by purchase, for the purpose of constructing such depots, machine shops, and other proper fixtures and buildings as may be requisite or necessary for the accommodation and transaction of the business which may pass over the road of the said company, and for this purpose, and for the purpose of extending the said road to said city of Chicago, the stock of said company may be increased to such an extent as may be necessary to cover the costs thereof.

Increase of stock.

APPROVED June 22, 1852.

In force June 22, 1852. AN ACT to amend the charter of the Illinois Central Railroad company.

Lateral branch.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the Illinois Central Railroad company be and is hereby empowered and authorized to locate, construct and operate a lateral branch or track from its eastern branch, as now located at or near Twelfth street in the city of Chicago, to the south branch of the Chicago river, on such terms and conditions and in such manner as may be stipulated between the common council of said city of Chicago and the said company.

Evidence of organization of company.

§ 2. That it shall be lawful for said company, in any case or suit at law or equity, or upon any issue between the said company and any individuals or parties, to read the certificate made and signed by the incorporators of said company, under the fifteenth section of the act incorporating the same, as evidence of the facts therein stated, and the said certificate shall have the same force and effect as if the same had been duly acknowledged and executed in strict accordance with the provisions of said section, and the rights of said company shall not be prejudiced or affected by reason of any defect or informality in said certificate; and the said company shall commence the work upon the main trunk of said road between Cairo and the junction of the Chicago branch therewith, and shall prosecute the same with the like good faith, as upon other parts of the line of said road: *Provided*, nothing herein contained shall authorize the company to construct the said

Defects cured.

proviso.

road in any manner contrary to the provisions of the original charter of the company.

This act to take effect from and after its passage.

APPROVED JUNE 22, 1852.

AN ACT to reduce the "act to incorporate the town of Hennepin," in force in 1839, June 22, March 2, 1839, and the several acts amendatory thereof, into one act, and to amend the same. 1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the district of country in the county of Putnam, and state of Illinois, known and described as follows, to wit, the south half of fractional section No. nine (9,) and the west half of the southwest quarter of section ten, in township thirty-two north, and range two west, is hereby erected into an incorporated town, by the name of Hennepin. The inhabitants of said town shall be a corporation, by the name of "The president and trustees of the town to Hennepin," and by that name sue and be sued, complain and defend, in any court, make and use a common seal, and alter it at pleasure, and take, hold and purchase, lease and convey such real and personal or mixed estates as the purposes of the corporation may require within or without the limits aforesaid. Town limits.
General powers.

§ 2. The municipal government of said corporation shall consist of a president and six trustees, to be elected as hereinafter directed. The other officers of the corporation shall be as follows: a clerk, a treasurer, a constable, an assessor, a street commissioner, a sexton, a board of health, and such other officers and agents as the council may from time to time direct and appoint. Officers.

§ 3. The president and trustees of the town shall be elected annually, on the first Saturday in May, by the qualified voters of the corporation, and shall hold their offices for one year, and until their successors are elected and qualified. Election of officers.

§ 4. All the balance of the officers (except the president and trustees) shall be appointed by the president and trustees, at their first meeting after the annual election in May, and shall hold their offices for the space of one year, and until their successors are appointed and qualified. Appointments.

§ 5. The board of trustees shall judge of qualifications, elections and returns of their own members, and shall determine all contested elections. Qualifications.

Quorum.	§ 6. A majority of the board shall constitute a quorum to do business, but a smaller may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.
Vacancies.	§ 7. All vacancies which may occur in any of the offices of the corporation may be filled in such manner as may be prescribed by ordinance.
Oath.	§ 8. The officers of the corporation shall, before entering upon the discharge of their duties, take an oath, well and truly to discharge the duties of their respective office. The treasurer, constable, street commissioner, and such other officers as the council shall by ordinance direct, shall execute a bond, with security to the president and trustees, in such sum or sums as the council may direct, for the faithful discharge of their duties.
Bond.	
Qualifications.	§ 9. No qualification shall hereafter be required of any officer, except that he be a qualified elector of the state of Illinois, and the trustees shall have resided within the corporation at least one year previous to his election.
Taxes.	§ 10. The council shall have power and authority, by an ordinance, to levy and collect taxes upon all property, real and personal, within the limits of the corporation, not exceeding an half of one per centum per annum upon the assessed value thereof, and may enforce the payment of the same in any manner to be prescribed by ordinance, not repugnant to the constitution of the United States or of this state; to appropriate money and provide for the payment of the debts and expenses of the corporation; to make regulations; to prevent the introduction of contagious diseases into the town; to make quarantine laws for that purpose, and enforce the same within three miles of the town; to establish hospitals, and make regulations for the government of the same; to make regulations to secure the general health of the inhabitants; to declare what shall be nuisances, and to prevent and remove the same; to open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve and keep in repair, streets, avenues, lanes and alleys; to provide for lighting the streets and erecting lamp posts; to erect market houses; to establish markets and market places, and provide for the government and regulation thereof; to provide for the erection of all needful buildings for the use of the town; to provide for enclosing, improving, and regulating all public grounds belonging to the town; to erect, repair and regulate public wharves and docks; to regulate the erection and repair of private wharves, and the rates of wharfage thereat; to license, tax, and regulate auctioneers, merchants, retailers, grocers, taverns, ordinances, hawkers, pedlers, brokers, theatricals and other exhibitions, shows and amusements; to tax, restrain, prohibit and suppress tippling houses, dram shops,
Appropriation.	
Disease.	
Quarantine.	
Hospitals.	
Health. Nuisances. Streets.	
Lights. Markets.	
Town buildings.	
Public grounds.	
Wharves.	
Licenses.	
Tippling houses.	

gaming houses, and other disorderly houses; to provide for the extinguishment and prevention of fires, and to organize and establish fire companies; to regulate the storage of gunpowder, tar, pitch, rosin, and other combustible materials; to provide for the regulation of the inspection of lumber, groceries and provisions; to regulate the election and appointment of corporation officers, and provide for removing from office any person holding an office under the corporation, and for filling said vacancies; to erect and keep in repair school houses, and to regulate and maintain common schools within the corporation, and for this purpose, until otherwise provided by an ordinance, the said town is hereby erected into a school district, and as such shall be entitled to their share of the public money as provided by law, and the board of trustees are hereby declared to be the directors or trustees of said school district, for school purposes; additions may be made to the limits of the corporation; to fix the compensation of the corporation officers, and to regulate the fees of jurors, witnesses and others, for services rendered under this act, or any ordinance; to regulate the police of the town; to impose fines and forfeitures and penalties for the breach of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties. The council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act. The council, whenever in their judgment the public good may require, may order any side walk in said corporation, or parts thereof, to be graded and planked or flagged with stone or brick; two-thirds of the expense thereof shall be assessed upon the lots fronting said side walk, in such manner as the council may direct. Said tax to be collected as any other tax, and until the council shall otherwise direct by ordinance, there shall be assessed and collected annually upon the taxable property in said town, in addition to the taxes named heretofore, one-fourth of one per cent. upon the assessed value thereof, to be called "the side walk tax," which shall be expended and applied to the grading and paving the side walks of said town.

§ 11. The style of the ordinances of the corporation shall be, "Be it ordained by the president and trustees of the town of Hennepin."

§ 12. All ordinances passed by the council shall, within one month after they may have been passed, be published in some newspaper published in said town, or posted up in three public places in said town, for the space of three weeks, and shall not be in force until they shall have been so published or posted.

Conveyances.

§ 13. All deeds of conveyance by the council, of any real estate, shall be signed alone by the president, countersigned by the clerk, and attested by the seal of said corporation, and need not be acknowledged.

Road to burying ground.

§ 14. The council shall have the exclusive control over the road leading to the Hennepin burying ground, and shall keep the same in repair, and may alter or change the same whenever the public good in their judgment may require, being responsible for damages as in cases of public roads.

Prosecutions.

§ 15. All prosecutions for violations of any of the ordinances of said corporation shall be prosecuted before any justice of the peace in said corporation, and it is made the duty of the corporation constable to execute all processes issued by any such justice, for the violation of any such ordinances, and said constable may execute the same, anywhere within the county of Putnam, and shall be entitled to the same fees for travelling as are allowed constables in similar cases. And it is made the special duty of the constable to report to some justice of the peace, within the corporation, all violations of any of the ordinances of the corporation which may come to his knowledge.

Assessor.

§ 16. The assessor shall assess the property, both real and personal, within said corporation limits, between the first of May and July, in each and every year, and shall make return to the board of trustees, on or before the first Monday in July, or at such other time as the board may direct; at which time the council shall proceed to assess or levy the taxes for said corporation for the current year, and cause a list thereof to be delivered to the constable, (who is hereby made *ex officio* collector of said town) for collection: *Provided always*, the council may at their option hand said list over to the sheriff for collection, who shall collect the same as now provided by law.

Proviso.

Exemption from road labor.

§ 17. The inhabitants of said town are hereby exempted from working on any road beyond the limits of said corporation, and from paying any tax to procure laborers to work upon the same. The council shall have power, for the purpose of keeping the lanes, alleys and streets in repair, to require every male inhabitant in said town, over twenty-one years of age, to labor on said lanes, alleys or streets, not exceeding two days in each and every year, and any person failing to perform such labor when duly notified by the street commissioner, shall forfeit and pay the sum of one dollar per day, for each day so neglected or refused: *Provided always*, that any one subject to such road labor, if when called on by the commissioner for said labor, shall pay the sum of seventy-five cents for each day he may be liable to work, shall be exonerated therefrom.

Street tax.

First annual election.

§ 18. The present officers of the town of Hennepin shall continue in office until the annual election in May,

A. D. 1853, or until their successors are elected and qualified, and all ordinances and resolutions passed by the president and trustees of the town of Hennepin shall remain in force until the same shall be regularly repealed.

§ 19. All property, real and personal, heretofore belonging to said corporation, is hereby continued therein. Property.

§ 20. Appeals shall be allowed from any and all decisions in cases arising under the provisions of this act, or any ordinance passed in pursuance thereof, to the circuit court of Putnam county. Appeals.

§ 21. This act is hereby declared to be a public act, and may be read in evidence in all courts of law or equity within this state, without proof. Public act.

§ 22. The "act to incorporate the town of Hennepin," in force March 2, 1839, together with all acts heretofore passed amendatory thereto, except the seventh (7th) section of an act entitled "an act to amend an act entitled an act to incorporate the town of Hennepin," in force February 17, 1851, be and the same are hereby repealed: Acts repealed. *Provided* Proviso. *always*, that nothing herein contained shall authorize the board of trustees to license the retail of spirituous liquors.

§ 23. This act to be in force from and after its passage.

APPROVED June 22, 1852.

AN ACT to authorize the formation of corporate companies for the purpose of mining and transportation, by a general law. In force Aug. 22, 1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That any three or more persons who may desire to form a company for the purpose of mining, or for the transportation of coal, or other products or commodities, may be incorporated for that purpose in the manner following, to wit: Such persons shall make, sign, and acknowledge, before some officer authorized to take acknowledgments of deeds, articles of association, in which shall be fully set forth the description and kinds of business they propose to pursue, the name they assume, the location of the said company, which shall be within this state, the number of years it is to exist, which shall not exceed thirty years from the date of said articles, the amount of capital stock of said company, which shall in no case exceed three hundred thousand dollars, the amount and number of shares composing said stock, and such other particulars as may be deemed proper, and upon filing said articles of association, signed and Manner of forming corporations.

General powers
thereof.

acknowledged as aforesaid, in the office of the secretary of state, and a duplicate thereof in the office of the county clerk of the county wherein said company may be located, the persons aforesaid, and all persons who shall, from time to time, become stockholders and associates in said company, their heirs and assigns, shall be known by the name assumed, and considered in law a body corporate, and shall possess all the powers and privileges, and be subject to all the restraints and liabilities of bodies corporate; may have and use a common or corporate seal and alter the same at pleasure, and by their name assumed sue and be sued, plead and be impleaded, as natural persons, in all or any of the courts of this state having jurisdiction of the subject matter, and the copy of any such articles of association, filed in pursuance of this act, certified by the secretary of state, or by said county clerk or his deputy, to be a full and true copy of such articles of association, shall be taken in all courts and places as presumptive evidence of the facts therein stated and of the legal existence of said company.

Directors.

§ 2. The stock, property and business of the said company shall be managed by not less than three or more than nine directors, who shall respectively be stockholders in said company, and one of whom shall be appointed president; and the said president and directors, or a majority of them, or a majority of the directors in the absence of the president, shall constitute a board or quorum for the transaction of business, and all questions shall be decided by a majority of votes. The first board of directors may be chosen or appointed at such time and place and in such manner as the members of said corporation may see proper, to hold their offices for one year and until their successors are elected to fill their places. After the first election or appointment the said board of directors shall be elected annually, by the stockholders of said company, at such time and place as shall be determined by the by-laws of said company; public notice of the time and place of holding such election shall be published not less than thirty days previous thereto, in some newspaper published in the county, or nearest to the place where the business of said company may be carried on, when there shall be no paper published in said county. The election shall be made by ballot, and by such of the stockholders as shall attend for that purpose, either in person or by proxy, and each stockholder shall be entitled to cast as many votes as he may own shares of stock in said company, and the person receiving the greatest number of votes shall be the director of said company for the year next ensuing, and until their successors shall be elected to take their places.—When a vacancy shall occur in the board, by death or

otherwise, it may be filled for the remainder of the term in such manner as shall be provided by the by-laws of said company, and in case it shall happen at any time that an election of directors shall not be made on the day designated by the by-laws of the company when it ought to have been made, the said company for that reason shall not be dissolved, but it shall be lawful on any other day to hold an election, upon notice as aforesaid, and all the acts of the directors shall be valid and binding as against said company, until their successors shall be elected and organized by the election of their president.

§ 3. The board of directors and their successors shall have power to make and pass such by-laws, rules and regulations for the government of said company and the management of its affairs and business, for the election of a secretary and treasurer, (or the secretary may act as treasurer, *ex officio*,) and such agents and servants as they may deem proper, prescribe their duties, fix their remuneration, require bonds for the faithful performance of their respective duties, and all other matters that shall be deemed necessary to promote the interest of said company, not inconsistent with this act, the laws and constitution of this state or of the United States—a copy of which, duly certified by the president, attested by the secretary and under the seal of said company, shall be filed in the office of the clerk of the county wherein said company shall be located, and shall be as binding on said company, its officers and agents, in every respect as if the same had been incorporated in this act. The said directors may cause books to be opened for subscriptions to their capital stock, ^{By-laws,} in such manner and at such times and places as they shall deem proper, and issue certificates of stock to the said stockholders, and it shall be lawful for the directors to call in and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such payments or instalments as the directors shall deem proper, under the penalty of forfeiting the shares of stock subscribed for and all previous payments made thereon, if payment shall not be made by the stockholders, their heirs or legal representatives, within sixty days after a personal notice or demand, or notice requiring such payment shall have been published for six successive weeks in a newspaper published in the county in which said company is located, or in a newspaper published nearest thereto. The stock of said company shall be deemed personal property and transferable in such manner as shall be prescribed by the by-laws of said company, but no certificate of stock shall be transferable until all calls and instalments are fully paid in, or whilst the holder of said certificate of stock shall be indebted to said company, with- ^{Stock.}

out the written consent of the directors, and all or any transfer so made, without the consent of the directors as aforesaid, shall be null and void as against said company. The said company shall have and hold the first lien on the stock for any and all debts due from the holder thereof to the said company, and may be reached by judgment and execution, the same as other personal property under the laws of this state, and when any such stock shall be declared forfeited to the company by reason of non-payment of the instalments thereon, or purchased in for debt at public sale, the same numbers and amounts may be again subscribed for by any other person, and certificates issued therefor, the same as if it had been an original subscription.

Real estate, &c.

§ 4. The said company may purchase, hold, sell and convey at their pleasure, all such real estate as shall be deemed necessary for their interest and business operations, not exceeding at any one time twenty-five per centum of their capital stock, and to take and hold any real estate mortgaged or pledged as security for the payment of any debt due or to become due to said company, or to take and receive any real estate or other property in payment, or towards the satisfaction of any debt previously due to said company, and to hold the same until they can conveniently and advantageously sell and convert the same into money or other property. All conveyances of real estate to said company, and all bonds, notes, obligations or agreements with or to said company, shall be made in the corporate name of said company, and all conveyances of real estate made by said company shall be made in the corporate name thereof, signed and acknowledged by the president, bearing the seal of the company and attested by the secretary, and the same so made shall be valid in law or equity. All business transactions, and all notes, bills, bonds or obligations, made or entered into by said company, shall run in the name of said company, and may be signed by the president, secretary or agent of said company, as the said company may by their laws, rules or regulations determine. All suits for or against said company shall be brought, prosecuted or defended by the corporate [name] thereof, and all process against said company shall be by summons, and the service of the same shall be by leaving an attested copy thereof with the treasurer, at least thirty days before the return thereof.

Power to hold property.

§ 5. Said company shall have power to possess, have and hold personal property to the extent that may be necessary for their business operations, and to sell, exchange or dispose of the same at pleasure, to borrow money and secure the payment thereof, by bond, mortgage or otherwise; to be the owner or part owner of docks, depots,

warehouses, tenements, water-craft appliances, and every species of property necessary to carry out the object of their organization and for developing the resources of this state, by mining for coal or other minerals, transporting the same or other products, commodities, passengers or property, from or to their place of business, by land or water; to effect insurance upon their property; to divide their earnings and profits with the stockholders of said company, or to employ their funds in any other lawful manner.

§ 6. The said company shall keep at the office of their secretary or treasurer, at the place of their location, well bound and substantial books, in which shall be kept a full and correct record of the names of the stockholders, their place of residence, the amount held by each respectively, the date of the subscription, the amount paid in, and of all transfers of stock, the date of such transfer, from whom and to whom transferred; also a record of all the proceedings of the board of directors, by-laws, rules and regulation made for the government and management of the said company and its business operations; which said books shall be subject to inspection at all reasonable times, during business hours, by any stockholder or creditor of said company, under the penalty of fifty dollars, to be recovered by suit against said company by any person who shall be refused the use and inspection of said books, being a stockholder or creditor of said company, at a proper time and upon request of the officers who may have the said book or books in charge, and at the end of each current year the said board of directors shall cause to be made out a tabular statement, showing the amount of the capital stock paid in, the amount of property owned by the company, real and personal, the amount of debts due to the company, and the amount of the said company's indebtedness, and also showing the profit or loss of said company; which said tabular statement shall be liable and subject to inspection, in the same manner and under the same penalty as is provided in relation to the books of said company. The said company in their corporate name may have their action at law or equity, before any court in this state having jurisdiction of the subject matter, and if the sum demanded be one hundred dollars or less, any justice of the peace shall have jurisdiction as in other cases against any and all persons in debt, damages or other action for the recovery of any debt or other matter, notwithstanding the said person or persons against whom suit is brought, may be stockholders in said company, and the law of partnership shall in nowise apply or be plead in bar or set up in defence of such action. The stock, property and effects of said company shall be liable and subject to execution

Offices, where kept.

Debts.

for all debts due or owing by said company to any person or persons, company or corporation, and any transfer or assignment of property made by said company to any person, for the purpose of giving preference to any one or more of its creditors, shall be null and void as against all other creditors of said company. It shall not be lawful for said company at any time to contract debts, or be indebted at any one time in any amount over fifty per cent. of the amount of their capital stock actually paid in, and the directors of said company in office at the time of contracting such debts, and consenting thereto or assenting thereto, by not protesting against such contracting of debts, and giving notice of such protest, shall be jointly and severally liable for all such excess of debts over fifty per cent. of the amount of their capital stock actually paid in as aforesaid.

This act public.

§ 7. This act shall be taken and considered as a public act, in all courts and places, shall be liberally construed in favor of any and all companies organized by virtue hereof, and shall take effect and be in force from and after its passage.

Limitation.

§ 8. The powers conferred by this act shall not be so construed as to authorize any company organized under the same to enter upon the business of transportation upon any waters within this state, for the purpose of carrying freights and passengers, or passengers only, but the word "transportation," whenever used in this act, shall be so construed as to confine said corporation to the transportation incident to and connected with their mining operations.

APPROVED June 22, 1852.

In force June 21, 1852. AN ACT to incorporate the Springfield and Terre Haute Railroad company.

Corporators.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Stephen T. Logan, N. W. Edwards, Thomas H. Campbell, Newton Cloud, Thomas Mather, Jacob Bunn, Pascal P. Enos, N. H. Ridgely, William P. Grimsley, A. Lincoln, Elijah Hles, John Williams, Robert Irwin, William Thomas, William Butler, Chancey Rose, Jacob D. Early, William D. Griswold, Chancey Warren, James Farrington, Richard W. Thompson, Alexander McGregor, John P. Usher, Thomas Nelson, John Brough, Oliver H. Smith, William N. Jackson, John O. Boyle, E. J. Peck, William M. Dunn, Augustus C. French, Elisha H. Starkweather, Uri Manly,

Timothy R. Young, Justin Harlan, William B. Archer, Jonathan K. Greenough, Usher F. Linder, Nathan Ellington, Thomas A. Marshall, William Martin, William S. Christy, J. W. Ross, James Elder and Isaac Pugh, and their associates, successors and assigns, are hereby created a body corporate and politic under the name and style of "The Springfield and Terre Haute Railroad company." with perpetual succession, and by that name be and they are hereby made capable in law and in equity to sue and be sued, plead and be impleaded, defend and be defended, in any court of law and equity in this state, or any other place; to make, have and use a common seal, and the same to renew and alter at pleasure, and shall be and are hereby vested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, as hereinafter set forth. And the said company are hereby authorized and empowered to locate, construct, and finally complete a railroad from the city of Springfield, in Sangamon county, by the way of Charleston, in Coles county, and Marshall, in Clark county, in the direction of the city of Terre Haute, in the state of Indiana, by the most direct and eligible route to the east line of the state of Illinois; and for this purpose said company are authorized, upon the most eligible and direct route, to lay out their said railroad, not exceeding one hundred feet in width, through the whole length; and for the purpose of cutting embankments, stone and gravel, may take as much more land as may be necessary for the proper construction of and security of said railroad.

§ 2. The capital stock of said company shall consist of one million of dollars, and may be increased to two million of dollars, to be divided into shares of one hundred dollars each. The immediate government and direction of said company shall be vested in seven directors, who shall be chosen by the stockholders of said company, in the manner hereinafter provided, who shall hold their offices for one year after their election, and until others shall be duly elected and qualified to take their places as directors, and the said directors (a majority of whom shall form a quorum for the transaction of business,) shall elect one of their number to be the president of the company; that said board of directors shall have power to appoint all necessary clerks, secretary, and other officers necessary in the transaction of business of said company.

§ 3. The said corporation is hereby authorized, by their agents, surveyors and engineers, to cause such examination and surveys to be made of the ground and country between the said city of Springfield and the said east line of the state of Illinois as shall be necessary to determine the most advantageous route for the proper line or course

Right of way.

Proviso.

whereon to construct their said railroad; and it shall be lawful for said company to enter upon and take possession of, and use all such lands and real estate as may be necessary for the construction and maintenance of their said railroad, its depots, side tracts, water stations, engine houses, machine shops, and other buildings and appendages necessary to the construction and working of said road: *Provided*, that all land or real estate entered upon and taken possession of, and used by said corporation, for the purposes and accommodation of said railroad, or upon which the site for said railroad shall have been located or determined by the said corporation, shall be paid for by said company in damages, if any be sustained by the owner or owners thereof, by the use of the same for the purposes of said railroad, and all lands entered upon and taken for the use of said corporation, which are not donated to said company, shall be paid for by said corporation at such price as may be mutually agreed upon by the said corporation, and the owner or owners of such land; and in case of disagreement, the price shall be estimated, fixed, and recovered in the manner provided for taking lands for the construction of public roads, canals, or other public works, as prescribed by the act concerning right of way, approved March 3, 1845.

Penalties.

§ 4. If any person shall wilfully, maliciously or wantonly, and contrary to law, obstruct the passage of any car on said railroad, or any part thereof, or anything belonging thereto, or shall damage, break or destroy any part of the said railroad or implements or buildings, he, she, or they, or any person assisting, shall forfeit and pay to said company, for every such offence, treble the amount of damages that shall be proved before any competent court shall have been sustained, and be sued for in the name and behalf of said company, and such offender or offenders shall be deemed guilty of a misdemeanor, and shall be liable to an indictment in the same manner as other indictments are found, in any county or counties where such offence shall have been committed; and upon conviction, every such offender shall be liable to a fine not exceeding five thousand dollars, for the use of the county where such indictment may be found, and may be imprisoned in the county jail for any time not exceeding six months, at the discretion of the court.

And it is further enacted

§ 5. The time of holding the annual meetings of said company, for the election of directors, shall be fixed and determined by the by-laws of said company; and at all meetings, each stockholder shall be entitled to a vote, in person or lawful proxy, one vote for each share of stock he, she, or they may hold *bona fide* in said company, upon which all instalments called have been paid.

§ 6. The persons named in the first section of this act Commissioners. are hereby appointed commissioners, who, or a majority of whom, after a meeting duly called by thirty days' notice in newspapers published in Springfield and Terre Haute, are hereby authorized to open subscription books for said stock at such places as they may deem proper, and shall keep said books open until five hundred thousand dollars of said capital stock shall be taken. Said commissioners shall require each subscriber to pay five dollars on each share subscribed at the time of subscribing. The said commissioners shall immediately thereafter call a meeting of the stockholders, by giving thirty days' notice in some newspaper printed in the county of Sangamon, and at such meeting it shall be lawful to elect the directors of said company; and when the directors of said company are chosen, the said commissioners shall deliver said subscription books, with all sums of money received by them as commissioners, to said directors. No person shall be a director in said company unless he shall own at least ten shares of the capital stock.

§ 7. That the right of way and the real estate purchased for the right of way by said company, whether by mutual agreement or otherwise, or which shall become the property of the company by operation of law, as in this act provided, shall, upon the payment of the amount of money belonging to the owner or owners of said land, as a compensation for the same, become the property of said company in fee simple. Right of way, &c.

§ 8. The said corporation may take and transport upon said railroad any person or persons, merchandise or other property, by the force and power of steam or animal, or any combination of them, and may fix, establish, take and receive such rates of toll for all passengers and property transported upon the same as the said directors shall from time to time establish. And the directors are hereby authorized and empowered to make all necessary rules, by-laws, regulations and ordinances that they may deem Transportation. necessary and expedient to accomplish the designs and purposes and to carry into effect the provisions of this act, and for the transfer and assignment of its stock, which is hereby declared personal property and transferable in such manner as shall be provided by the by-laws and ordinances of said company. By-laws.

§ 9. The directors of said company, after the same is organized, shall have power to open books in the manner prescribed in the sixth section of this act, to fill up the additional capital stock, or any part thereof, at such times as they may deem it for the interest of said company. And all the instalments required to be paid on the stock originally to be taken, and what may be taken to increase said Additional stock.

capital shall be paid at such times and in such sums as said directors may prescribe.

Vacancies.

§ 10. In case of the death, resignation or removal of the president, vice president or any director, at any time between the annual elections, such vacancy may be filled for the remainder of the year, whenever they may happen, by the board of directors; and in case of absence of the president and vice president, the board of directors shall have power to appoint a president *pro tempore*, who shall have and exercise such powers and functions as the by-laws of the said corporation may provide. In case it should at any time happen that an election shall not be made on any day on which, in pursuance of this act, it ought to be made, the said corporation shall not for that cause be deemed dissolved, but such election shall be held at any other time directed by the by-laws of said corporation.

Proceedings to
obtain right of
way.

§ 11. That when the lands of any *femmes coverts*, persons under age, *non compos mentis*, or out of this state, shall be taken in the construction of said railroad, as is provided by this act, the said corporation shall pay the amount that shall be awarded as due to the last mentioned owners, respectively, whenever the same shall be lawfully demanded, together with six per cent. per annum; that to ascertain the amount to be paid to persons named in this section, for lands taken for the use of said corporation, it shall be the duty of the governor of this state, upon notice given to him by the said corporation, to appoint three commissioners, to be persons not interested in the matter, to be determined by them, to determine the damages which the owner or owners of the land or real estate, so entered upon by the said corporation, has or have sustained by the occupation of the same. And it shall be the duty of said commissioners, or a majority of them, to deliver to said corporation a written statement of the award or awards they shall make, with a description of the land or real estate appraised, to be recorded by the said corporation in the clerk's office in the county in which the land or real estate so appraised shall be, and then the said corporation shall be deemed to be seized and possessed of the fee simple of all such lands or real estate as shall have been appraised by the said commissioners.

Intersection of
other roads.

§ 12. Whenever it shall be necessary, for the construction of said railroad, to intersect or cross a track of any other railroad, or any stream of water or water course, or road or highway on the route of said road, it shall be lawful for the company to construct their railroad across or upon the same: *Provided*, that the said company shall restore the railroad, stream of water, water course, road or highway thus intersected or crossed, to its former state or

Proviso.

in a sufficient manner not materially to impair its usefulness.

§ 13. Said company shall have the power to unite its railroad with any other railroad now constructed, or which may hereafter be constructed, within this state or the state of Indiana, upon such terms as may be mutually agreed upon between the companies so connecting; and for that purpose, full power is hereby given to said company to make and execute such contracts with any other company as will secure the objects of such connection: *Provided*, that the Central Railroad shall not run upon the line or track of the road constructed by the company hereby incorporated, except at points of crossing or intersecting the same. Union with other roads. Proviso.

§ 14. Said company is hereby authorized, from time to time, to borrow such sum or sums of money as may be necessary for completing and finishing or operating their said railroad, and to issue and dispose of their bonds in denominations of not less than five hundred dollars, bearing a rate of interest not exceeding seven per centum per annum, for any amount so borrowed, and to mortgage the corporate property and franchises, or convey the same by deed of trust, to secure the payment of any debt contracted by said company for the purposes aforesaid. And the directors of said company may confer on any bond-holder of any bond, issued for money borrowed as aforesaid, the right to convert the principal due or owing thereon into stock of said company, at any time not exceeding ten years from the date of the bond, under such regulations as the directors of said company may see fit to adopt; and all sales of such bonds that may be made at less than their par value shall be good and valid and binding upon said corporation as if such bonds had been sold for the full amount thereof. Power to borrow money.

§ 15. The width of said railroad is to be determined by the said corporation, within the limits prescribed by the first section of this act. Width of road.

§ 16. This act shall be in force from and after its passage; and said company shall commence said work within two years, and complete the same within five years from the passage of this act: *Provided*, that there shall be a simultaneous commencement of the work at each terminus of said road, and an equal rate of expenditure of money. Commencement. Proviso.

APPROVED June 22, 1852.

In force June 22, 1852. AN ACT to amend an act entitled "an act to amend an act to incorporate the Rock Island and La Salle Railroad company," approved February 7, 1851.

Rebottations au-
thorized.

Right of way.

Certified copies of
papers to be evi-
dence.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the Chicago and Rock Island Railroad company is hereby authorized, from time to time, to relocate and reconstruct any parts or portions of its said road west of the Fox River Feeder, in the town of Ottawa, in La Salle county, and between it and the city of Peru, and for that purpose may procure the right of way on any part so relocated, in the manner pointed out in the acts incorporating said company.

§ 2. That copies of all papers, books or proceedings whatsoever, or parts thereof, appertaining to the transactions of said railroad company as to the original organization thereof by the commissioners, certified to be true copies by the clerk or secretary of said company or the keeper of said books, under the seal of said company, the said clerk, secretary or keeper also certifying that he is the keeper of the originals of which he gives copies, shall be received as *prima facie* evidence of the facts so certified, in all courts in this state, in all suits and proceedings pending before them, without other proof of the identity of said clerk, secretary or keeper of said seal.

§ 3. This act shall be in force from and after its passage.
APPROVED June 22, 1852.

In force June 22, 1852. AN ACT to amend the law condemning right of way for purposes of internal improvement.

Petition for right
of way.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That when any public road, railroad, plank road, turnpike road, canal, or other public work, shall have been located by any officer or agent of the state, or of any county, or any person, or corporation vested with power to take and apply private property in the construction or use of such road, canal or other work, or for any purpose connected with the same, such as constructing bridges, dams, locks, embankments, excavations, spoil-banks, turn-outs, depots, engine houses, shops, turn-tables, boat yards, wharfs, or docks, and the right or title to property required for any such uses or purposes cannot be obtained by purchase, a petition shall be filed in the clerk's office of the circuit court of each county through which the location aforesaid is made, setting forth, by reference, the authority to construct the work, and the right to take and apply private property, and if the right of

way only is desired, describing by its numbers, or other appropriate description, each lot or parcel of land over or across which such right is desired; or if property is required for all or any of the other purposes herein specified, stating such purpose, and describing the property so required; and in either or both cases, stating the names of all persons interested, as owners or otherwise, in the property to be affected, if known, or if not known, stating that fact, and requesting such court to cause to be ascertained the compensation to be made to each owner of or person interested in property required as aforesaid, and upon payment thereof, to require a conveyance or release of the same, or that by an order or orders of court the right and title be invested in the state, county, corporation or other person in whose name or behalf the petition is filed, to be applied and used for the purposes stated in the petition.

§ 2. Upon the filing of the petition aforesaid, and giving Proceedings. the persons interested in the property required reasonable notice thereof, and of the time and place of making the application herein provided for, the petitioner in person, or by attorney, may apply to the judge of said court, or to the judge of the county court, or either of the associate justices of the last named court, to appoint commissioners to fix the compensation to be made to the parties interested as aforesaid, for the right of way over or across land, and for land required for any of the other purposes herein expressed, as well as to assess the damages which may result from the construction and use of the road, canal, or other contemplated work. Upon the hearing of which application, and each of the parties notified as aforesaid, as well as those not notified, who may appear, the said judge or associate justices shall select and appoint three disinterested freeholders of the county commissioners to fix compensation and Commissioners. assess damages, according to the prayer of the petition, and also fix the time and place of their first meeting. And upon notices given as aforesaid, from time to time, or the appearance of parties without notice, the same, or other commissioners, shall be appointed to act with reference to parties, as they are notified or appear as aforesaid, until action shall be had with reference to all the parties and matters named in the petition: *Provided*, that reasonable Proviso. notice of the time and place of making application for the appointment of commissioners shall be five days, and one day in addition for every twenty miles' travel, from the residence of the party to the place of making application.

§ 3. Notices of the filing petitions and making applications for the appointment of commissioners, in respect to Service of notices lands owned in whole or in part by infants, shall be served on the guardian; or if they have no guardian, on the infants and persons with whom they reside; and with respect to

lands owned as aforesaid by idiots, lunatics or distracted persons, on the conservator, if they have any, if not, then on the person under whose care or charge they may be found; and with respect to lands owned by *femmes covert*, on the husbands as well as the owner; and notices to non-residents of the county, and persons whose names are unknown, shall be published in some public newspaper published in the county, if any, or if not, in the nearest paper to such county, for three weeks in succession, before the day of making the application aforesaid. And notices so served or published, shall be sufficient to authorize the appointment and action of the commissioners as herein provided for: *Provided*, if such railroad or other public work shall be located on land the property of the state, the right of way, not exceeding one hundred feet in width, is hereby granted to such company, corporation or individual.

Proviso.

Commissioners,
when appointed.

§ 4. Commissioners may be appointed in term time by the circuit court, or in vacation by the judges or justices aforesaid, upon the service or publication of notice being proved by affidavits, to be filed and constitute a part of the record of the proceedings. Upon applications for appointment in vacation, copies of the petition, filed as aforesaid, shall be used, and the order of the judge or justice shall be indorsed thereon, and the same delivered to the commissioners, to guide them in their action, and show the extent of their authority.

Commissioners to
be sworn.

§ 5. Commissioners appointed as aforesaid shall be sworn before some officer having power to administer oaths, "to faithfully and impartially execute the duties required of them, according to their best judgment and understanding, and to make all their estimates and assessments according to law." And upon being sworn as aforesaid, they shall meet at the time and place fixed by the court, or judge or justices aforesaid, and proceed without delay, upon view and inspection of the premises, as well as upon hearing the allegations and testimony of the parties interested, to fix the compensation to be made to each party or owner of lands to be taken and used as the way on which the road, canal or other work shall be constructed and pass, also for lands taken and used for any of the other purposes specified in this act; and also estimate and assess the damages sustained by any person or persons, by reason of the construction and use of the work specified in the petition, taking into consideration and estimating the benefits and advantages to the parties resulting from the construction and use of the road, canal, or other improvement: *Provided*, the said commissioners shall not estimate any benefits or advantages which may accrue to lands affected in common with adjoining lands, on which such road or canal or other work does not pass.

To view premises.

Proviso.

§ 6. The commissioner shall, from time to time, as they ^{To report in writing.} make decisions with reference to lands embraced in their appointment, make reports in writing, stating separately the compensation to be paid for the right of way over or upon each lot of land, the compensation to be paid for each lot of land required for any other purpose, and the damage allowed to each owner or party, by reason of the construction and use of the improvement or work as aforesaid. A copy of each report so made shall be delivered to each of the parties interested, if requested, and the original, with a copy of the order of appointment, shall be filed with the clerk of the court in which the proceeding is had.

§ 7. Upon the making and filing of any report as afore- ^{Appeals.} said, any party interested may appeal from the decision of the commissioners to the circuit court of the county, as hereinafter provided; but if no appeal is taken, the decisions, estimates and assessments as reported, shall be conclusive upon the parties, and the right and title of that part of each lot or parcel of land required as aforesaid, in respect to which no compensation is allowed or damages assessed, should vest in the state, county, corporation or person in whose behalf the proceeding is had, with the right to enter upon and use and apply the same according to the prayer of the petition and right of the case, and the right and title to that part of each tract of land required, in respect to which compensation is allowed or damages assessed, shall vest in the state, county, corporation or person petitioning as aforesaid, upon the payment of the compensation and damages so fixed or assessed, with the right to enter upon and use and apply the same for the purposes stated in the petition.

§ 8. Payments of compensation and damages, estimated ^{Payment of damages.} and assessed as aforesaid, may be made, first to parties laboring under no disability who are entitled to the land; second, to guardians of infants, husbands or trustees of *femmes covert*; third, to conservators of insane persons; and a receipt for such payments shall operate as a confirmation of the action of the commissioners, and shall estop the parties in interest from all further claims or proceeding in the premises. Payments to parties residing in the state, but not in the county, including infants who have no guardian, and insane persons who have no conservator, shall be made by depositing the money with the clerk of the court in which the proceeding is had; and payments to parties residing out of the state, and persons whose names are unknown, shall be made by depositing the money in the treasury of the proper county where the land lies; and the receipt of parties entitled to money deposited as aforesaid, shall operate in like manner as receipts for money paid to parties as herein provided: *Provided*, that if any person shall refuse ^{Provide.}

to receive money when tendered, payment may, in such case, be made by depositing the amount with the county treasurer aforesaid.

Appeal bond.

§ 9. Parties desiring to appeal from decisions, estimates, and assessments, or either, of commissioners, shall, within ten days after being notified of the filing of the report with the clerk, execute and file an appeal bond with said clerk, payable to the people of the state, for the use of all parties interested in the condition; in which bond the action or proceeding appealed from shall be recited, with conditions, in case the appeal is taken in behalf of the petitioner, for the due and speedy prosecution of the appeal, and that he or they will pay whatever may be required by any decision, order or judgment; and in case the appeal is taken by any other party, with condition that the appeal shall be prosecuted without delay; and in case the decision, estimate or assessment, as the case may be, shall be affirmed or not increased, that the appellant will pay the costs of the appeal and of the subsequent proceedings therein, if adjudged so to do by the court. A bond executed and filed by responsible securities, without the name or signature of the party appealing, shall be obligatory and sufficient; and it shall not be necessary to insert any penalty in any such bond, but the party or parties executing the same shall be liable, upon breach, to pay the full amount which any party interested in the condition is or may be entitled to in the premises.

Appeals, by whom taken.

§ 10. Appeals may be taken and prosecuted by husbands or trustees of *jeunes covert*, guardians of infants, and conservators of insane persons; and in cases where infants have no guardian, and insane persons no conservator, appeals may be taken by the friends of such parties.

Notice of filing reports.

§ 11. Notices to parties of the filing reports of commissioners shall be given as is required in respect to applications for the appointment of commissioners, and notices of appeals shall be given by the service of summons, as in cases of appeals from judgment of justices of the peace: *Provided*, that non-residents of the state, and persons whose names are unknown, may be notified by publishing notice as is required in respect to proceedings in chancery against non-residents.

Provide.

Possession of property condemned.

§ 12. The entering upon, taking possession of, and applying property, with reference to which commissioners have reported as aforesaid, shall not be hindered, prevented or delayed by the prosecution of any appeal, provided the corporation or person interested in the work, or any responsible person in their behalf, will execute and file a bond with the clerk of the court in which the appeal is pending, binding the persons executing the same to pay whatever amount

may be required by the order or judgment of the court in said appeal cause, and also comply with or conform to any rule or order that the court may make in relation to the matter in controversy.

§ 13. Appeals prosecuted under the provisions of this act shall be docketed by the clerk next after the people's causes, and shall be tried without delay, as soon as reached on the docket, unless continued for good cause, or by consent. Appeals, how docketed.

§ 14. Appeals shall bring before the court the questions decided or reported on by the commissioners in respect to the parties to the appeal, and unless the parties otherwise agree, the said questions shall be submitted to and tried by a jury as other appeal cases—the jury to swear “well and truly to try the cause, and in fixing compensation or assessing damages, they will be governed by the provisions of the law under which the trial is had.” The jury shall find and state the amount, if any thing, which shall be paid as compensation for right of way; the amount, if any thing, to be paid for lands required for any other purpose; and the amount, if any thing, assessed or allowed as damages, making the verdict conform to the questions and facts in the case. Verdicts may be rendered in writing or stated orally in court, and the court shall in all cases require the verdict to be recorded in such form as to express truly and fully the finding of the jury. Questions involved in appeal cases.

§ 15. Upon verdicts rendered by juries, judgments shall be entered, declaring that upon the payment of compensation and damages, or either, as the case may be, that the right and title to the same for which the compensation is to be made, or on account of which damages are allowed, shall vest in the state, county, corporation, or person petitioning as aforesaid, with the right to enter upon, use and apply the same for the purposes stated in the petition; or if the verdict is that no compensation shall be made in money, or damages be allowed in the premises, the like judgment shall be entered; and verdicts and judgments entered as aforesaid shall be final and conclusive between the parties. Verdicts.

§ 16. Payments of judgments entered upon verdicts may be made, and to have the like force and effect as provided for in section eight hereof, or payments may be made in reference to either party. Judgments.

§ 17. In appeal cases courts shall permit amendments to papers, records, bonds, and the execution of new bonds, whenever necessary to a fair trial and final determination of the questions involved. Courts shall also have power to make any and all rules and orders necessary to notify parties of the proceeding, and to issue all process necessary to Payments.

Amendments.

the execution of orders and judgments as they may be entered.

Costs of proceed-
ings.

§ 18. The costs of all proceedings under this act, except such as arise or grow out of appeals, shall be paid by the petitioners, and costs of appeals shall be paid as the court may direct. Any two of the three commissioners may act and execute any or all of the duties required. They shall have power to swear or affirm witnesses who may be brought before them, also to issue summons for witnesses, and by compulsory process compel their attendance. They shall also have power to adjourn from day to day, or from one day to any succeeding day, not exceeding five, until they shall have determined and reported upon all the cases embraced in their appointment; and two dollars per day shall be paid to each for his services.

Limitation.

§ 19. All corporations heretofore created by special charter of incorporation or under the general law where the termini have been fixed by the legislature, and none others, may avail themselves of this act.

Kind of damages.

§ 20. Estimates of compensation and assessments of damages, under the provisions of this act, shall be made with reference to the land or property affected, and payable to the real person entitled to the same, whether a party to the proceeding or not.

§ 21. This act to take effect and be in force from and after its passage.

APPROVED June 22, 1852.

In force Aug. 22, 1852. AN ACT to constitute a commission to take evidence in relation to certain claims.

Commissioners.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That* Hugh T. Dickey, of the county of Cook, A. Lincoln, of Sangamon, and Noah Johnston, of Jefferson county, are hereby named and constituted a board of commissioners, any two of whom are hereby authorized to act, whose duty it shall be to collect proofs and testimony, hear and investigate all such claims as shall be presented against the state arising out of transactions by and between the agents of the state authorized to negotiate loans, and by and between the state and all persons who have heretofore presented claims for damages for right of way and injury done to property in the construction of the Illinois and Michigan canal and its feeders, and by and between the state and the contractors

Their duties.

on the said canal and feeders, and to report all such testimony or proofs so taken to the governor, to be by him filed in the office of the secretary of state, and caused to be laid before the general assembly at the next session thereof.

§ 2. It shall be the duty of the said commissioners to hear, preserve and report all such additional or further testimony on the part and in behalf of said claimants as they or any of them may desire to present, which may show the equity or justice of their claims or in aid or support thereof; and said testimony shall be reported, preserved and represented to the general assembly at the same time and in the same manner as is provided in the first section of this act concerning the proofs and testimony taken in behalf of the state, but in no case shall any new claims be presented or considered on the part of said contractors, nor any increase upon claims heretofore made be allowed.

Testimony on the part of claimants.

§ 3. Said commissioners are hereby authorized to appoint a clerk, to act under their direction, in performing the duties required by this act. Said commissioners shall be allowed four dollars per day whilst engaged in taking evidence, and mileage at the rate of ten cents per mile in going to and returning from the place of meeting, to be allowed once only; and said clerk three dollars per day [for the time] he shall be actually employed under this act, and no other compensation whatever shall be allowed.

Clerk.

Compensation.

§ 4. The said commissioners shall have power to send for witnesses and to compel their attendance, and to administer oaths, and to examine all records, books and papers pertaining to their duties, in the offices of the fund commissioner, secretary of state, and in any of the offices connected with the Illinois and Michigan canal, and in the offices of the clerks of the courts in any of the counties through which said canal or its feeders have been constructed, and to exercise all such powers as shall be requisite to ascertain the merits of any of said claims: *Provided*, that the testimony on the part of claimants shall be procured at the expense of said claimants, and shall in no case be a charge upon the state.

Witnesses.

Proviso.

§ 5. It shall be the duty of said commissioners to notify the claimants of the time and place, upon the line of the canal, when and where they will meet for the purpose of such examination; such notice to be published in one newspaper published in Chicago, Ottawa and Joliet, at least thirty days before said meeting and examination shall take place, and in no case shall a witness be heard until after he shall have been sworn to testify, as in other cases.

Notice to claimants.

§ 6. The said commissioners shall, before entering upon the discharge of their duties, take an oath that they will

Oath.

perform all the duties required of them impartially, faithfully and without favor or suppression of truth.

Attorney for the state.

§ 7. It shall be the duty of the governor, if he shall deem it expedient, to appoint some competent person to appear before said commissioners and contest all such claims as shall be presented as aforesaid, and to offer proofs on behalf of the state, who shall be paid by the governor out of contingent fund.

Qualification.

§ 8. The passage of this act shall not be understood as any admission on the part of the state that any of the claims referred to are valid, or that the state is in anywise liable or bound to pay the same, or any part thereof, the object being simply to provide for obtaining and preserving testimony of the facts in relation to the same.

APPROVED June 22, 1852.

In force on the filing of certificate, as provided in section 23.

AN ACT to incorporate the town of Woodstock, McHenry county, Illinois.

Corporation.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the resident inhabitants of the town of Woodstock, in McHenry county, are hereby constituted a body politic and corporate, to be known by the name of "The President and Trustees of the town of Woodstock," and by that name shall be known in law and have perpetual succession, may sue and be sued, plead and be impleaded, defend and be defended, in courts of law and equity, and in all actions and matters whatsoever; may grant, purchase, receive and hold real and personal property within the limits of said town, and no other, (burial grounds excepted,) and may lease, sell and dispose of the same for the benefit of the town, and may have power to lease any of the reserved lands which have been or may be appropriated to the use of said town, and may do all other acts as natural persons, which may be necessary to carry out the powers hereby granted, and may have a common seal and alter the same at pleasure.

Style.

General corporate powers.

City limits.

§ 2. That all those tracts of land embraced within the following boundaries, to wit, commencing at the S. E. corner of the N. W. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of sec. 8, T. 44, R. 7 E., thence north one mile, thence west one mile, thence south one mile, thence east one mile to the place of beginning, be and the same is hereby declared to be within the limits or boundaries of the said town of Woodstock.

President and trustees.

§ 3. The corporate powers and duties of said town shall be vested in a president and six trustees, who shall consti-

tute a board for the transaction of business, and who shall serve without compensation.

§ 4. The said town shall at present be divided into two ^{Wards.} wards, as follows: All the territory embraced within the limits or boundaries of said corporation south of Dietz and Jackson streets shall constitute one ward, to be called the "South Ward;" all the territory north of said streets in ^{South ward.} said corporation, shall constitute one ward, to be called in the "North Ward;" the qualified voters of each of which ^{North ward.} said wards shall annually elect three trustees of said town, and the qualified voters of said town shall annually elect a ^{Officers.} president of said town, who shall be president of the board of trustees, having only a casting vote in said body; a treasurer, who shall be *ex officio* assessor, and one constable, who shall be *ex officio* collector, and have the same powers as other constables in said county. Such treasurer and constable to receive such compensation and in the same ^{Compensation.} manner as is provided by law for constables, and for the county treasurers and assessors and collectors of the county and state revenue for similar services.

§ 5. The president and members comprising the board of trustees shall be elected annually, on the first Monday ^{Time of elections.} in April, (except the first election, which shall be on the first Monday in August, eighteen hundred and fifty-two,) to serve one year and until others shall be legally qualified. They shall be at least twenty-one years of age, shall have ^{Qualifications of officers.} the requisite qualifications to vote for state officers, shall have resided one year in said town, and the trustees shall at the time of their election be residents of the ward for which they are elected. The treasurer and constable shall have the same qualifications and hold their offices for one year. All persons qualified to vote in the county for ^{Qualification of electors.} state officers, and being at the time actual residents in the corporation, shall be qualified to vote for officers of the same, but shall be allowed to vote only in the ward where they shall actually reside.

§ 6. The treasurer and constable shall, at the first reg- ^{Official bonds.} ular meeting of the board of trustees for the transaction of business after their election, or sooner, respectively give bonds, with one or more sureties, to be approved by said board, in a penalty of at least one thousand dollars, conditioned for the faithful discharge of the duties of their respective offices, and on failure thereof the said offices shall be deemed vacant and the said board of trustees shall immediately order a new election to fill such vacancy, of which the requisite notice shall be given.

§ 7. It shall be the duty of the board of trustees, in ^{Notice of town meetings and special elections} such manner as they may provide, to give notice of all town meetings and special elections to be held under the provisions of this act, by publishing notice thereof at least

one week prior thereto, in some public newspaper printed in said town, or if there be no such paper then by posting up notices thereof in like manner in three of the most public places in each of the wards of said town, which notices shall state the time, place and objects of such meeting or election.

§ 8. The board of trustees shall appoint a clerk of their board, a town surveyor and one street or road commissioner in each ward, and provide for their compensation. They shall be judges of the qualifications, returns and elections of their members, and of all other officers of the town. They shall have power to fill all vacancies in the board occasioned by death, resignation or six months absence of any member thereof. A majority shall constitute a board to do business, but a smaller board may adjourn from day to day, may compel the attendance of absent members, and under such penalty as the board may provide. They may determine their rules of proceedings, and make such other needful rules and regulations for their own government as they may deem expedient.

Special meetings. § 9. The president of the board of trustees shall have full power to call special meetings of the board, whenever in his opinion the public good shall require it. He shall have concurrent civil and criminal jurisdiction with justices of the peace under the provisions of this act, within the limits of the corporation, and shall receive the same compensation for his services.

President to be *ex officio* justice of the peace.

Board of election. § 10. Two trustees elected in each ward, and a clerk elected by them, shall constitute the board of electors in such ward. They (the said trustees) shall appoint one clerk of election at the time and place of each election, who shall be sworn by one of said trustees before entering on such office, faithfully to perform the duties of the same, and the said trustees shall, in like manner, before entering upon their aforesaid duties, be sworn faithfully to discharge their duties as officers of such elections; such oath to be administered by a justice of the peace, if present, otherwise by the clerk, after he shall have first been duly sworn.

Clerk.

Oaths.

Manner of election. One of said trustees shall also act as a clerk at each election, at the close of which the said officers shall compare the poll-books and certify the results as found by them, and shall seal up and return such certificate and one of said poll-books to the board of trustees of said corporation at its next regular meeting, and the other poll-book shall be retained by one of said officers of election, to be determined by said board.

Regular meetings of board.

§ 11. The board shall hold a regular meeting to determine and decide upon elections the next Monday following every general or special election, and they shall also meet

regularly, for the transaction of business, on the third Monday of April, July, October and January of each year.

§ 12. The board of trustees shall have power to levy Taxes, and collect taxes for general purposes, annually, upon all real and personal estate within said town, to the amount of seventy cents on the hundred dollars upon the assessed value thereof; to make regulations to secure the general health of the inhabitants; to prevent and remove nuisances; to restrain cattle, sheep, hogs or dogs running at large; to erect and keep in repair bridges; to license and regulate auctions, taverns, groceries, theatrical and other shows, billiard tables, ball alleys and other amusements; to restrain and prohibit gambling houses and other disorderly houses; to prevent the shooting of fire arms within the limits of the corporation; to establish and erect markets; to open and keep in repair streets and avenues, lanes, alleys, drains and sewers; to establish and regulate a fire department; to provide for the prevention and extinguishment of fires; to dig wells and erect pumps in the streets, for the convenience of the inhabitants; to regulate the storage of gunpowder and other combustible materials, and from time to time to pass such ordinances to carry into effect the provisions of this act, and the powers hereby granted as the good of the inhabitants may require, and may impose appropriate fines and forfeitures for the breach of any ordinance and provide for the collections thereof. The president of the board of trustees, or any justice of the peace within said corporation, shall have jurisdiction to hear and determine all cases arising under or growing out of the by-laws and ordinances made in pursuance of this act of incorporation, and appeals may be taken and writs of *certiorari* allowed from such decision, in the same manner as now is or hereafter may be provided by law for appealing from decisions of justices of the peace.

§ 13. Upon the application of the owners of two-thirds of the real estate upon any street, or in any block or blocks or half blocks, it shall be lawful for the board of trustees to pass an ordinance requiring the owners of lots bounding upon such street or situate in such block, blocks or half block to construct a side walk in front of their respective lots, in such manner and of such material and within such time as shall be specified in such ordinance, and the said board [shall] provide in such ordinance for the payment to the owner of such real estate, upon completion of such walk, of any sum not exceeding one-fourth of the costs thereof, to be estimated and specified in such ordinance: *And provided, further*, that the owners of real estate shall in all cases be required to bear at least three-fourths of the expense of constructing side walks in front of their premises: *And provided, further*, that if any person shall

Their limit.

Health.

Nuisances.

Cattle, dogs, &c.

Bridges.

Groceries may be

licenced.

Disorderly houses

Fire arms.

Markets.

Streets, &c.

Fire department.

Fires.

Wells and pumps.

Gunpowder.

Ordinances.

Fines, &c.

Jurisdiction of

suit.

Appeals.

Construction of

side walks.

Proviso.

Further proviso.

fail to construct a side walk in front of his premises, in the manner and within the time specified in such ordinance, the trustees shall order the collecting officer of said corporation to collect from said delinquent a sum of money equal to the whole cost of such side walk, to be estimated or specified in such ordinance.

Regulation of streets.

New streets.

Appraisers.

Rule of appraisal.

Payment of damages.

Proviso.

Notice.

Neglect to pay taxes.

Advertisement.

Sale.

Publication of ordinances.

Redemption of real property.

§ 14. The board of trustees shall have power to regulate, grade, pave and improve the streets, avenues, lanes and alleys within the limits of said town; to lay out new streets and roads, and to open, extend, widen, narrow or abrogate any street or any road, on the petition of two-thirds of the property holders on each side of the street or road so proposed to be altered or abrogated, making the person or persons injured thereby adequate compensation, to ascertain which the board shall cause to be summoned six good and lawful men, freeholders and inhabitants of said town, not directly interested, who being first duly sworn for that purpose, shall inquire into and take into consideration as well the benefits as the injuries that may accrue, and estimate and assess the damages which would be sustained by any such persons by the proposed alteration; all of which shall be certified by such appraisers to the board of trustees, who shall cause all damages aforesaid to be paid out of the town treasury, before making any such change or alteration: *Provided*, that the persons who may be injured, or who may claim damages therefor, shall have three days' notice of the time and place of making such appraisal, whose decision shall be final.

§ 15. That whenever the owners of any lot or piece of ground within the limits of said corporation shall neglect or refrain to pay the tax or taxes levied on the same, whether for side walk or general purposes, when they may become due, it shall be the duty of the president to advertise the same for non-payment, either in a newspaper printed in said town, or by posting up in three of the most public places in said town, for the space of sixty days, and on further failure of payment thereof and costs, to sell at the expiration of said sixty days, at public sale, said lot or parcel of ground to pay said taxes and the costs and expenses of collection.

§ 16. All ordinances shall, within ten days after their passage, be published in a newspaper, if one is printed in the town, or by posting in three of the most public places in said town.

§ 17. When any real estate in said town shall be sold for non-payment of taxes, by authority of said corporation, said lands may be redeemed in the time that other lands sold for county or state taxes are redeemed, by virtue of the laws of this state, upon paying the treasurer of the board, for the use of the purchaser, double the amount of

taxes for which the same were sold, together with the costs accruing on such sale. Lands not redeemed under such sale shall be conveyed by special warrantee, under the seal of the corporation; such deed to be signed by the president and clerk of the corporation. Tax titles.

§ 18. All lots of land or parcels of ground in said town set apart for public purposes, or which have been or may be conveyed by the original proprietors thereof to the inhabitants of said town in their aggregate capacity, or to the said corporation or to any person or persons in trust for them or for their use.* * This section stands thus in the enrolled law.

§ 19. The president and trustees and other officers of the corporation shall, before entering upon the duties of their respective offices, take an oath or affirmation before some judge or justice of the peace, to support the constitution of the United States and of this state, and faithfully discharge the duties of their several offices. Oath of office.

§ 20. The president and trustees shall have the same power to levy a property and *per capita* tax for road purposes as is now conferred by law upon county courts or road commissioners, and for this purpose their jurisdiction shall extend over all persons and property within said corporation, and to all persons within one half mile from said corporation on the public roads leading therefrom; and it shall be the duty of said board of trustees to provide for working and to keep in repair all public highways leading from said town for the distance of one half mile from the east, south and west boundaries of said corporation and on the north to the township line of township forty-four, range seven; and the inhabitants taxed or subject to taxation by said corporation for road purposes shall not be liable to other similar taxation by the county or township for road purposes. Road taxes.

§ 21. For the purpose of organization said town under the provisions of the charter an election shall be held in each of the wards of said town on the first Monday of August next, and the qualified voters thereof may proceed to vote for a president of said town, three trustees in each of the two wards, one treasurer and a town constable. Said election shall be held in the south ward at the district school house in said ward, and in the north ward at the court house; George W. Bently and Lindsey Joslyn shall be the judges of said election in the south ward, and Joseph Golder and Henry M. Wait shall be judges of said election in the north ward. Said judges of election shall conduct the same agreeably to the provisions of this act and the laws of this state regulating elections, and the said judges shall make return of said election, duly certified, with the poll-books, to the clerk of the county court of McHenry county the next day after such election, and Organization.
Places of election.
Judges.
Mode of election.
Returns.

Canvass.

said clerk, together with two justices of the peace of said county, shall proceed to open said returns and canvass said votes, and the person having the greatest number of votes for the office of president shall be duly elected, and the persons in each ward who shall have the highest number of votes for trustees shall be duly elected trustees for said wards, respectively, and the person having the highest number of votes for treasurer shall be duly elected, and likewise the person having the highest number of votes for constable shall be duly elected. If more than three

Tie.

persons in the respective wards shall have an equal and higher number of votes for trustees, the said clerk and justices shall proceed to determine by lot which of said persons in the respective wards shall be trustee or trustees, and in like manner shall determine by lot, in case two or more persons shall receive an equal and highest number of votes for the offices of president and treasurer and constable, which of said persons so receiving an equal number of votes shall be entitled to such offices, respectively; and said clerk and two justices shall make an abstract of the returns of said election, certifying under their hands, and deliver the same to the person who shall be elected president, and the said president shall thereupon notify the persons who are elected trustees, and the other officers, of their election, and who shall appoint a time and place for said trustees to meet for the purpose of organizing said board.

Meeting of trustees.

President to be *ex officio* a supervisor.

§ 22. The president shall be *ex officio* a member of the board of supervisors of McHenry county, and shall have the same powers as any other member of said board, and receive the same compensation for the same services.

Act when to take effect.

§ 23. It is further enacted, that this act shall not take effect and be in force until after the same shall have been first submitted to a vote of the legal voters residing or owning real estate within the limits of said corporation, as described in section two of this act, and decide in favor of the acceptance of this act of incorporation, by a majority of said voters voting in favor thereof. Said election to be

Time of voting.

held at the court house in said town of Woodstock, on Monday, the twenty-sixth day of July, A. D. one thousand eight hundred and fifty-two. The clerk of the circuit court of said county, together with any two justices of the peace of the town of Dorr, in said county of McHenry, shall be the judges of said election, who shall appoint their clerk, and be sworn in the same manner as is now provided for the swearing of other judges and clerks of elections under the provisions of this act. The poll-books shall be opened for the reception of votes at this election (as well as all subsequent elections) at one o'clock P. M., and continue open until six o'clock the same day, and within

Judges.

Polls when opened.

one day after the closing of said polls the said judges shall transmit an abstract of the votes, together with one of the poll-books, to the clerk of the county court of said county, who shall, together with the justices of the peace of said town of Dorr, proceed to open and canvass said votes, within three days after said returns shall be received by him, and said canvassers shall file a certificate of the result of said election, showing the number of votes for and the number of votes against accepting this act, with the clerk of the said county court; and in case the majority of votes cast at such election shall be in favor of accepting this act, then this act shall be in force and take effect from and after the filing of said canvassers' certificate. Notice of the time and place of said election shall be given by the county clerk of said county, by posting three written or printed handbills in the most public places in said town, at least five days previous to the day of said election: *Provided, further*, that if a majority at said election shall not vote in favor of accepting this act, that the same may be voted upon again, whenever thirty legal voters of said town shall file a written request with the county clerk to call another election, who shall thereupon call another election and post up notices as before, calling said election within ten days, which said election shall be conducted in the same manner as the first.

APPROVED June 22, 1852.

AN ACT to charter the city of Joliet.

In force June 22,
1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the inhabitants of the town of Joliet, in the county of Will, and state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of "The city of Joliet," and by that name shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

§ 2. All that district of country embraced within the following limits, to wit, all of section sixteen and all of section nine, and the west half of section ten and the west half of section fifteen, in township thirty-five north, of range ten east, lying in the county of Will, embracing the present town of Joliet and its additions.

§ 3. In case a majority of the people shall be for incorporation, the following named persons, citizens of the town of Joliet, to wit, Edmund Wilcox, Cornelius C. Van rm, Richard Doolittle, W. C. Wood, Geo. W. Caseady,

- Five wards. M. K. Brownson and O. H. Haven, or a majority of them, shall meet at the court house in Joliet on the second Monday of July next, and divide the said city of Joliet into five wards, as nearly equal in population as practicable, particularly describing the boundaries of each, and appoint three judges of elections in each of said wards, and appoint the day of said election, and give at least ten days' notice in the public newspapers of said city of Joliet, and locate the places for holding the elections in each ward.
- Election. § 4. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatever; to purchase, receive and hold property, real and personal, in said city; to purchase, receive and hold property, both real and personal, beyond the city, for burial ground, and for other purposes for the use of said inhabitants of said city; to sell, lease and convey or dispose of property, and to do all other things in relation thereto as natural persons.
- General powers.

ARTICLE II.

- City council. § 1. There shall be a city council, to consist of a mayor and board of aldermen.
- Board of aldermen. § 2. The board of aldermen shall consist of two members from each ward, to be chosen by the qualified voters, for two years.
- Qualifications. § 3. No person shall be an alderman unless at the time of his election he shall have resided six months within the limits of the city, and shall be at the time of his election twenty-one years of age and a citizen of the United States.
- Vacancies. § 4. If an alderman shall, after his election, remove from the ward for which he is elected, his office shall be thereby declared vacated.
- Classes of aldermen. § 5. At the first meeting of the city council the aldermen shall be divided by lot into two classes, the seats of those of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year, so that half of the board shall be elected annually.
- Council to judge of qualification of members. § 6. The city council shall judge of qualifications, elections and returns of their own members, and shall determine all contested elections.
- Quorum. § 7. A majority of the city council shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.
- Rules of proceedings. § 8. The city council shall have power to determine the rule of its proceedings, punish its members for disor-

derly conduct, and with the concurrence of two-thirds of the members elected, expel a member.

§ 9. The city council shall keep a journal of its proceedings, and from time to time publish the same, and the ayes and nays, when demanded by any member present, shall be entered upon the journal. Journal.

§ 10. No alderman shall be appointed to any office under the authority of the city, which shall have been created or the emoluments of which shall have been increased during the time for which he shall have been elected. Restriction.

§ 11. All vacancies that shall occur in the board of aldermen shall be filled by election. Vacancies, how filled.

§ 12. The mayor and each alderman, before entering upon the duties of their office, shall take and subscribe an oath that they will support the constitution of the United States and of this state, and that they will well and truly perform the duties of their office, to the best of their skill and ability. Oath of office, &c.

§ 13. Whenever there shall be a tie in the election of aldermen, the judges of election shall certify the same, who shall determine the same by lot in such manner as shall be provided by ordinance. Tie, how decided.

§ 14. There shall be twelve stated meetings of the city council in each year, at such times and places as may be prescribed by ordinance. Stated meetings.

ARTICLE III.—*Of the Chief Executive Officer.*

§ 1. The chief executive officer of the city shall be a mayor, who shall be elected by the qualified voters of the city, and shall hold his office for one year and until his successor shall be elected and qualified. Mayor.

§ 2. No person shall be eligible to the office of mayor who shall not have been a resident of the city for one year next preceding his said election, or who shall be under twenty-one years of age, or who shall not at the time of his election be a citizen of the United States. Qualification of mayor.

§ 3. If any mayor, during the time for which he shall have been elected, remove from the city, his office shall be vacated. Office of mayor, when vacated.

§ 4. When two or more persons shall have an equal number of votes for mayor, the judges of elections shall certify to the city council, who shall proceed to determine the same by lot in such manner as may be provided by ordinance. Tie.

§ 5. Whenever an election of mayor shall be contested, the city council shall determine the same in such manner as may be prescribed by ordinance. Contested election.

§ 6. Whenever any vacancy shall happen in the office of mayor it shall be filled by election. Vacancy, how filled.

ARTICLE IV.—*Of Elections.*

Returns.

§ 1. On the first Saturday of April next, an election shall be held in each ward of said city, for two aldermen for each ward, and forever thereafter, on the first Saturday of April of each year, there shall be an election for one mayor for the city, and one alderman for each ward. The first election for mayor and aldermen shall be held and conducted and returns thereof made as is now provided by law for the conducting the general elections of this state, and the clerk of the county court of Will county shall make returns of the election of mayor to the governor of the state, in the same manner as is now directed to be done for other justices of the peace elected for the county. The second election shall be held, conducted and returns thereof made as may be provided by ordinance.

Qualification of electors.

Proviso.

§ 2. All free white male inhabitants over the age of twenty-one years who are entitled to vote for state officers, and who shall have been actual residents of said city ninety days next preceding said election, shall be entitled to vote for city officers: *Provided*, that said voters shall give their votes for mayor and aldermen in the wards in which they shall respectively reside and in no other, and that no vote shall be received at any of said elections unless the person offering such vote shall have been an actual resident of the ward where the same is offered at least ten days next preceding such election.

ARTICLE V.—*Of the Legislative Powers of the City Council.*

Power of council.

§ 1. The city council shall have power and authority to levy and collect taxes upon all property, real and personal, within the limits of the city, not exceeding one per cent. per annum upon the assessed value thereof, and may enforce the payment of the same in any manner to be prescribed by ordinance, not repugnant to the constitution of the United States and of this state.

Clerk and treasurer.

§ 2. The city council shall have power to appoint a clerk, treasurer, assessor, marshal, supervisors of streets and such officers as may be necessary.

Official bonds.

§ 3. The city council shall have power to require of all officers appointed in pursuance of this charter, bonds with penalties and securities for the faithful performance of their respective duties, as may be deemed expedient, and also to require all officers appointed as aforesaid to take an oath for the faithful performance of the duties of their respective offices, before entering on the discharge of the same; to establish, support and regulate common schools; to borrow money on the credit of the city: *Provided*, that

Oath.

Schools.

Proviso.

no such sum or sums of money shall be borrowed at a greater rate of interest than at ten per cent. per annum, nor shall the interest on the aggregate of all the sums borrowed and outstanding ever exceed one half of the city revenue arising from taxes assessed on real property within the limits of the corporation.

§ 4. To appropriate money and provide for the payment of the debts and expenses of the city. Debts and expenses.

§ 5. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and enforce the same within five miles of the city. Contagious diseases.

§ 6. To establish hospitals and make regulations for the government of the same. Hospitals.

§ 7. To make regulations to secure the general health of the inhabitants; to declare what shall be a nuisance, and to prevent and remove the same. Health. Nuisances.

§ 8. To dig wells and provide the city [with water;] to erect hydrants and pumps in the streets, for the convenience of the inhabitants. Wells, hydrants, &c.

§ 9. To open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve and keep in repair, streets, avenues, lanes and alleys. Streets, &c.

§ 10. To establish, erect and keep in repair bridges. Bridges.

§ 11. To divide the city into wards, alter the boundaries thereof, and erect additional wards, as the occasion may require. Wards.

§ 12. To provide for lighting the streets and erecting lamp posts. Lights and lamp posts.

§ 13. To erect market houses, to establish markets and market places, and to provide for the government and regulation thereof. Markets.

§ 14. To provide for the erection of all needful buildings for the use of the city. Public buildings.

§ 15. To provide for inclosing, improving and regulating all public grounds belonging to the city. Public grounds.

§ 16. To license, tax and regulate auctioneers, merchants, retailers, grocers, taverns, ordinaries, hawkers, pedlers, brokers, pawnbrokers and money-changers. Grocers, &c.

§ 17. To license, tax and regulate hackney carriages, wagons, carts and drays, and fix the rates to be charged for the carriage of persons, and for the wagonage, cartage and drayage of property within the limits of said city. Drays, &c.

§ 18. To license and regulate porters and fix the rate of portage. Porters.

§ 19. To license, tax and regulate theatrical and other exhibitions, shows and amusements. Shows, &c.

§ 20. To tax, restrain, prohibit and suppress tippling houses, dram shops, and gaming houses, and bawdy houses, and other disorderly houses, but not to license any house or

place for the sale of intoxicating drinks of any kind as a beverage.

Fires. § 21. To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.

Chimneys. § 22. To regulate the fixing of chimneys and the flues thereof.

Gunpowder. § 23. To regulate the storage of gunpowder, tar, pitch and other combustible materials.

Walls and fences. § 24. To regulate and order parapet walls and partition fences.

Weights, &c. § 25. To establish standard weights and measures, and regulate the weights and measures to be used in the city in all cases not provided by law.

Lumber and mechanical work. § 26. To provide for the inspection and measuring of lumber and other building materials, and for the measurement of all kinds of mechanical work.

Hay, coal, &c. § 27. To provide for the inspection and weighing of hay and stone coal, the measurement of charcoal, fire wood and other fuel to be sold or used within the city.

Bread. § 28. To regulate the weight, quality and price of bread to be sold and used in the city.

Census. § 29. To provide for the taking enumerations of the inhabitants of the city.

City officers. § 30. To regulate the election of city officers, and providing for removing from office any person holding an office created by ordinance.

Compensation and fees. § 31. To fix the compensation of all city officers, and regulate the fees of jurors and witnesses and others, for services rendered under this act or any ordinance.

Police and fines. § 32. To regulate the police of the city, to impose fines and forfeitures and penalties for the breach of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties.

Billiard tables. § 33. The city council shall have exclusive power within the city, by ordinance, to suppress and restrain billiard tables.

Ordinances. § 34. The city council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinance be not repugnant to nor inconsistent with the constitution and laws of the United States or of this state.

Style of ordinances. § 35. The style of the ordinances of the city shall be, "Be it ordained by the city council of the city of Joliet."

Publication of ordinances. § 36. All ordinances passed by the city council shall, within one month after they shall have been passed, be published in some newspaper published in the city, and shall not be in force until they shall have been published as aforesaid.

§ 37. All ordinances of the city may be proven by the seal of the corporation; and when printed and published in pamphlet or book form, and purporting to be printed and published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof. Ordinances, how proven.

ARTICLE VI.—*Of the Mayor.*

§ 1. The mayor shall preside at all meetings of the city council, and shall have a casting vote and no other. In case of non-attendance of the mayor at any meeting, the board of aldermen shall appoint one of their number chairman, who shall preside at said meeting. Mayor to preside.

§ 2. The mayor or any two aldermen may call special meetings of the city council. Special meetings.

§ 3. The mayor shall at all times be active and vigilant in enforcing the laws and ordinances for the government of the city. He shall inspect the conduct of all subordinate officers of said city, and cause negligence and positive violation of duty to be prosecuted and punished. He shall from time to time communicate to the aldermen such information and recommend all such measures as in his opinion may tend to the improvement of the finances, the police, the health, security, comfort and ornament of the city. Duty of mayor.

§ 4. He is hereby authorized to call on every male inhabitant of said city, over the age of eighteen years, to aid in enforcing the laws and ordinances, and in case of a riot to call out the militia to aid him in suppressing the same or in carrying into effect any law or ordinance, and any person who shall not obey such call shall forfeit to said city a fine not exceeding five dollars. Power.

§ 5. He shall have power, whenever he may deem it necessary, to require of any of the officers of said city an exhibit of his books and papers. Exhibit of books, &c.

§ 6. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act. Execution of ordinances.

§ 7. He shall be commissioned by the governor as a justice of the peace for said city, and county of Will, and as such shall be a conservator of the peace for the said city, and county of Will, and shall have power and authority to administer oaths, issue writs and process under his seal, to take depositions, the acknowledgment of deeds, mortgages and all other instruments of writing, and certify the same under the seal of the city, which shall be good and valid in law. Commission of mayor.

§ 8. He shall have and exercise jurisdiction in all cases arising under the ordinances of the corporation, and concurrent jurisdiction with all other justices of the peace in all Jurisdiction.

civil and criminal cases within the limits of the city, and county of Will, arising under the laws of the state of Illinois, and shall receive the same fees and compensation for his services in similar cases.

Jurisdiction be-
yond city.

§ 9. He shall also have such jurisdiction as may be vested in him by ordinances of the city, in and over all places within five miles of the boundaries of the city, for the purpose of enforcing the health and quarantine ordinances and regulations thereof.

Indictment and
removal of mag-
or.

§ 10. In case the mayor shall at any time be guilty of a palpable omission of duty, or shall wilfully and corruptly be guilty of oppression, malconduct or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the circuit court of Will county, and on conviction shall be fined not more than two hundred dollars, and the court shall have power, on the recommendation of the jury, to add to the judgment of the court that he be removed from office.

ARTICLE VII.

Private property
for public use.

§ 1. When it shall become necessary to take private property for opening, widening or altering any public street, lane, avenue or alley, the corporation shall make a just compensation to the person whose property is so taken; and if the amount of compensation cannot be agreed on, the mayor shall cause the same to be ascertained by a jury of six disinterested freeholders of the city.

Opening of
streets.

§ 2. When the owners of all the property on a street, lane, avenue or alley proposed to be opened, widened or altered shall petition therefor, the city council may open, widen or alter such street, lane, avenue or alley upon condition to be described by ordinance; but no compensation shall in such case be made to those whose property shall be taken for the opening, widening or altering such street, lane, avenue or alley, nor shall there be any assessment of benefits or damages that may accrue thereby to any of the petitioners.

Jurors to be
sworn.

§ 3. All jurors empanelled to inquire into the amount of benefits or damages which shall happen to the owners of property proposed to be taken for opening, widening or altering any street, lane, avenue or alley, the jury shall first be sworn to that effect, and shall return to the mayor their inquest in writing, and signed by each juror.

Rule of damages.

§ 4. In ascertaining the amount of compensation for property taken for opening or widening or altering any street, lane or alley, the jury shall take into consideration the benefit as well as the injury happening by such opening, widening or altering such street, lane, avenue or alley.

§ 5 The mayor shall have power, for good causes shown, within ten days after any inquest shall have been returned to him as aforesaid, to set the same aside and cause a new inquest to be made. Power of mayor to set aside assessment.

§ 6. The city council shall have power, by ordinance, to levy and collect a special tax on the holders of the lots in any street, lane, alley or avenue, or part of any lane, avenue or alley, according to their respective fronts owned by them, for the purpose of paving and grading the side walks, and lighting said street, lane, avenue or alley. Special taxes.

ARTICLE VIII.—*Miscellaneous Provisions.*

§ 1. The inhabitants of the city of Joliet are hereby exempted from working on any road beyond the limits of the city, and from paying any tax to procure laborers to work upon the same. Exemption from road labor.

§ 2. The city council shall have the power, for the purpose of keeping the streets, lanes, avenues and alleys in repair, to require every male inhabitant in said city, over twenty-one years of age, to labor on said streets, lanes, avenues and alleys, not exceeding three days in each and every year; and any person failing to perform such labor, when duly notified by the supervisor, shall forfeit and pay the sum of one dollar per day for each day so neglected or refused. Road labor within city limits.

§ 3. The city council shall have power to provide for the punishment of offenders by imprisonment in the county or city jail, in all cases where such offenders shall fail or refuse to pay the fines or forfeitures which may be recovered against them. Punishment of offenders.

§ 4. The city council shall cause to be published annually a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended. Publication of receipts and expenditures.

§ 5. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created, shall be commenced and prosecuted in the name of the city of Joliet. Suits, how prosecuted.

§ 6. Appeals shall be allowed from decisions in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof, to the circuit court of Will county; and every such appeal shall be taken and granted in the same manner and with like effect as appeals are taken from and granted by justices of the peace to the circuit court under the laws of this state. Appeals.

§ 7. This act is declared to be a public act, and may be read in evidence in all courts of law and equity within this state, without proof. Public act.

- First mayor. § 8. The mayor elected at the first election shall hold his office until the first Saturday of April, in the year 1854, and until his successor is elected and qualified.
- Process issued by mayor. § 9. The city marshal, or any other officer authorized to execute writs or other process issued by the mayor or any other justice of the peace in the county of Will, shall have power to execute the same anywhere within the limits of the county of Will, and shall be entitled to the same fees for traveling as are allowed to constables in similar cases.
- Fees of mayor. § 10. The mayor shall receive the same fees in all cases that are allowed to magistrates in similar cases.
- Vote on acceptance of this act. § 11. On the first Monday of July an election shall be held at the court house in the town of Joliet, as in case of special elections, and ballots shall be received from all the inhabitants, legal voters within the limits herein described, which ballots shall be "for incorporation" or "against incorporation;" and if a majority of the said electors voting at said election shall vote "for incorporation," then the provisions of this bill shall be in force, but if a majority shall vote "against incorporation" then the provisions herein shall be null and void.
- § 12. This act to take effect on its passage.
- APPROVED June 22, 1852.

In force June 22, 1852. AN ACT to amend the charter of the Aurora Branch Railroad company.

- SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the*
- Extension of road company incorporated by an act entitled "an act granting a charter to the Aurora Branch Railroad company," approved February 12, 1849, be and it is hereby authorized to extend its road from Aurora, in Kane county, crossing Fox river at a point not farther south than the present mill-dam across Fox river, in the village of Aurora, in said county, in the
- Route. most direct practicable line; thence in a southwesterly direction, on the most direct practicable route, to a point of at least fifteen miles north of La Salle, and where such extension may intersect any railroad built or to be built northward from the town of La Salle, in La Salle county, and there to form a connection with any such railroad.
- Intersection. § 2. The said company is hereby authorized to use and exercise all the powers for obtaining the right of way for the use of said company in the construction of said road that are given and expressed by the act to provide for a general system of railroad incorporations, approved November 5th,
- Right of way.

1849; and the name of said company is hereby changed to Change of name. that of "Chicago and Aurora Railroad company." Said company is also authorized and empowered to increase its Increase of stock. capital stock to a sum not exceeding two millions of dollars.

§ 3. This act to take effect and be in force from and after its passage.

APPROVED June 22, 1852.

AN ACT authorizing a vote to be taken by the voters of Grundy county, to In force June 22, raise a tax to construct a bridge across the Illinois river at Morris, in said 1852. county.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That it shall Special tax au- be lawful for the legal voters of the county of Grundy, at thorized. the next or any general election thereafter of county or state officers, to vote for or against a tax for the purpose Vote. of building a bridge across the Illinois river at Morris. Notice. Notice of said vote shall be given at the same time and in the same manner as is required by law in case of such mentioned elections in this state.

§ 2. Said vote shall be taken by ballot, upon which Manner of vote. shall be written or printed, or partly written and partly printed, "For a bridge," or "Against a bridge." Returns. Returns of said vote shall be made to the county clerk, in the same manner as in case of elections of county officers. If it shall be found that a majority of the voters of said county voting upon the question have voted in favor of the bridge Assessment. to be built by tax as aforesaid, then there shall be assessed upon all the taxable property, both real and personal, in said county, an annual tax of one half of one per cent., Rate. which tax shall be collected in the same manner as other Collection. taxes are collected, except that it shall be paid in money only; the money so collected shall be paid to the county treasurer, and shall be held by him subject to the order of the board of supervisors for the purposes of said bridge, but shall not on any pretence be appropriated to any other purpose whatever.

§ 3. The tax hereby levied shall continue to be col- Continuance of tax. lected annually, until the sum of fifteen thousand dollars shall have been raised, (provided that amount shall be re- Proviso. quired,) or until the entire cost of said bridge shall have been fully paid, should said amount not be required; after which said tax shall cease and shall no longer be levied or collected.

§ 4. It shall be the duty of the board of supervisors of Result of elec- said county, at their next meeting after the vote provided tion.

Collector's book.	<p>for in sections 1 and 2 of this act shall have been taken, to ascertain the result of said votes, and if it shall appear that a majority of all the voters of said county voting upon the question have voted in favor of said tax, they shall cause a separate column to be added to each collector's book for the several towns in said county, headed "bridge tax," in which shall be set down, opposite to the name of each tax payer, the amount assessed on his or her taxable property, which shall be collected as other taxes, and paid over to the treasurer, as provided in section (2) two of this act.</p>
Engineer.	<p>§ 5. The said board of supervisors shall, immediately after the result of the vote aforesaid shall have been ascertained, (in case the same shall be in favor of said tax,) employ a competent engineer or engineers to ascertain and fix upon the best location for said bridge, having reference to durability, cost of construction and convenience of the community, and, by themselves or their agents, to make and enter into all necessary contracts for the completion of said work; and the fund created by this act is hereby pledged for the payment of any and all sums of money which said board may by contract become liable for or agree to pay, for the purpose of constructing the work aforesaid, and effecting the object contemplated by this act.</p>
Location of bridge.	<p>§ 6. The said bridge when completed is hereby declared a public highway, and shall be free for all passengers to pass and repass with their property and effects, without charge, toll or compensation, and shall forever remain free, and no tolls or compensation shall, under any pretence, be charged for such passage.</p>
Character of bridge.	<p>§ 7. The title to said bridge shall be vested in the county of Grundy, and the board of supervisors of said county shall take all necessary measures to keep the same in repair, and to prevent injuries thereto; to impose and collect such fines and penalties as they may deem necessary, not inconsistent with the laws of this state, for the preservation of the same. They shall have power to prosecute all persons injuring the same, and shall be entitled to recover double the amount of damage occasioned thereby, before any court having jurisdiction thereof. All fines imposed for the preservation of said bridge may be collected by action of debt, in the name of the board of supervisors of said county, before any justice of the peace of said county, or any court having jurisdiction thereof, and all persons injuring or obstructing said bridge shall moreover be liable to indictment, and on conviction shall be punished as in other cases of obstructing, injuring, breaking down or destroying public highways or bridges within this state.</p>
Title to bridge.	
Repairs.	
Fines, &c.	
How collected.	
Indictment.	

§ 8. If after a vote shall have been taken as provided in sections one and two of this act, it shall be ascertained that a majority of the legal voters of said county have voted against said tax, it shall be the duty of the clerk of the county court, upon petition of fifty legal voters of said county, to issue notices at any subsequent election, for the purposes mentioned in section one of this act. If at any such subsequent election it shall be found that a majority of all legal voters voting at such election have voted in favor of said bridge, the same shall be built in the manner provided in this act. Subsequent votes for tax, how taken. Reservation.

§ 9. The legislature hereby reserves the right to at any time hereafter declare a draw shall be made in the said bridge, of any width the legislature may direct, for the purpose of keeping up the navigation of the said river for all kinds of boats and purposes.

APPROVED June 22, 1852.

AN ACT making appropriations to pay the expenses of the present session In force June 22, 1852.
of the general assembly.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the following appropriations be and the same are hereby made to pay the expenses of the present session of the general assembly. Appropriations.

§ 2. To the speaker of the senate and house of representatives, each the sum of three dollars per day for each day's attendance. Speakers.

§ 3. To each member of the senate and house of representatives, the sum of two dollars per day for each day's attendance. Per diem.

§ 4. There shall be allowed to each of the members of the general assembly, including the speakers of both houses, ten cents per mile for each necessary mile's travel in going to and returning from the seat of government. Mileage.

§ 5. There shall be allowed to the secretary and assistant secretary of the senate, and to the clerk and assistant clerk of the house of representatives, each the sum of five dollars per day. Clerks, &c.

§ 6. To the sergeant-at-arms and assistant sergeant-at-arms of the senate, and the door-keeper and assistant door-keeper of the house of representatives, each the sum of five dollars per day. Sergeant-at-arms, &c.

§ 7. To the engrossing and enrolling clerks of the senate and house of representatives, each the sum of five dollars per day. Engrossing clerks.

Assistants.

§ 8. To the assistant engrossing and enrolling clerks of the senate and house of representatives, each the sum of five dollars per day for the time actually employed, to be certified by the principal clerk, and to each person employed by the enrolling and engrossing clerks of the senate and house of representatives, four dollars per day for the number of days actually employed, to be certified by the principal clerks.

Speaker to certify.

§ 9. The speaker of the senate shall certify the amount due each member and officer of the senate, except the amount due himself, which shall be certified by the secretary; and the speaker of the house of representatives shall certify the amount due each member and officer of the house, except the amount due himself, which shall be certified by the clerk; which certificate shall be sufficient authority to the auditor of public accounts to issue his warrants for the amount certified, to be paid out of any moneys in the treasury not otherwise appropriated.

Governor's secretary.

§ 10. That the sum of four dollars per day be allowed for the time actually employed for the hire of a clerk employed in the executive department, during this special session, to be certified by the governor, and his certificate shall be sufficient evidence to the auditor, who shall issue his warrant on the treasury for the same, and the said treasurer shall pay the same out of any moneys not otherwise appropriated.

Mileage to officers.

§ 11. To each of the officers of the general assembly and private secretary of the governor, the same rate of mileage that is allowed to the members.

Secretary of state

§ 12. To the secretary of state, the sum of two hundred dollars, for making index to the laws, journals and reports of the present session, and superintending the publication of the same.

Expenses.

§ 13. The auditor of public accounts is hereby authorized and required to issue his warrant on the treasurer in favor of any person who has performed any labor for the use of this session of the general assembly, furnished any stationery, printing paper, candles, or any other necessary thing, which shall be paid out of any moneys in the treasury not otherwise appropriated.

Gray and Hosea.

To J. F. Gray and E. Hosea, the sum of forty-six dollars and sixty-six cents, for copying the laws of the last general assembly for publication in the State Register, Sangamon Journal, and the Organ, under the joint resolutions of the two houses: *Provided*, that the several amounts due as above mentioned shall be certified by the secretary of state and approved by the governor.

Assistant book-keeper.

§ 14. The auditor is authorized and required to pay the assistant door-keeper of the house of representatives the balance that may be due and remain unpaid on the appro-

priation for his services at the last session of the general assembly.

§ 15. For postage, such amount as may be necessary to cover the transmission by mail of a copy of the acts of the present session of the general assembly to each member and officer thereof, and also to each of the judges of the supreme and circuit courts, state's attorneys, clerks of the county courts and clerks of the circuit and supreme courts, which amount shall be certified by the secretary of state, and paid out of any money in the treasury not otherwise appropriated. Such copies shall be transmitted by mail as soon as the same are published; and it shall be the duty of the secretary of state to cause to be printed the number of copies of the laws, journals and reports of the present session, required by existing laws, and to retain them in his office for distribution with the laws and journals of the next session of the general assembly. Postage.
Laws to be transmitted by mail.

§ 16. To the publishers of the Sangamon Journal and State Register, the sum of fifty dollars each, for printing in their respective papers, immediately after the adjournment of the legislature, the laws of a general character passed at this session; and also reasonable compensation to such person as may be employed by the secretary of state to make copies of such laws for each of said papers, to be certified by the secretary of state. Journal and register.

§ 17. To Henry McMullan, for four days' services in filling up maps, eight dollars; to same, for two days' services in computing swamp land list, four dollars; to B. Ferguson, for five days' service in computing swamp land list, five dollars; to P. Smith, for four days' services in making maps, twelve dollars; to same, for thirteen maps, six dollars and fifty cents; to H. F. Ash, for four days' services in making maps, twelve dollars; to T. Peake, for five days' services in computing swamp land list, ten dollars; to Thomas O'Conner, the sum of one dollar and twenty-five cents per day for the time actually employed by him for the use of this session, to be certified by the secretary of state. Henry McMullan and others.

§ 18. To each of the members of the select committee appointed to visit the Insane Hospital, the sum of ten dollars to defray expenses. Committee.

§ 19. That the sum of fifty dollars be appropriated to the clergymen who have officiated at this session of the legislature, to be divided among themselves, as they shall agree, according to the services rendered by each. Clergymen.

APPROVED June 22, 1852.

In force June 22,
1852.

AN ACT to change the name of Joseph Lewis Breese.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the
Change of name. name of Joseph Lewis Breese, a citizen of the county of Clinton, in this state, be and the same is hereby changed to Samuel Livingston Breese, and by that name he shall be hereafter known and called.

This act to take effect from and after its passage.

APPROVED June 22, 1852.

In force June 22, 1852. AN ACT to amend chapter ninety-three of the Revised Statutes, entitled
"Roads."

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That if any
Penalty, how re- person or persons shall obstruct any public road, in the
covered. manner provided in section sixteen of the act to which this is an amendment, the penalty provided for in said section may be recovered either by an indictment or in an action of debt, before any justice of the peace of the county in which the offence was committed; which action may be brought in the name of and upon the complaint or information of any person who may complain, one half to the informer, the other half to the use of the county.

§ 2. All suits, actions and proceedings necessary to be
Proceedings, how had upon any right or cause of action, for failures to per-
instituted. form road labor, or pay road taxes, or to enforce any contract or promise, in reference to the opening or repairing public roads, shall be had in the corporate name of the county wherein the right of action accrued: *Provided*, that no suit shall be dismissed on account of informality in the name of the plaintiff; but the court may, on application, permit the record to be so amended as to place the name of the proper plaintiff on the record.

§ 3. So much of the act to which this is an amendment
Proviso. as conflicts herewith is hereby repealed.

Repeal.

This act to be in force from and after its passage.

APPROVED June 22, 1852.

AN ACT to regulate the times of holding courts in the fifth and twelfth judicial circuits. In 1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the circuit courts of the several counties composing the fifth judicial circuit, shall be holden at the times following: the spring terms of said courts shall be holden in the county of Pike on the third Monday in March; in the county of Brown on the second Monday in April; in the county of McDonough on the third Monday in April; in the county of Schuyler on the fourth Monday in April; in the county of Mason on the first Monday in May; and in the county of Cass on the second Monday in May. The fall terms of said courts shall be holden in the county of Pike on the second Monday in September; in the county of Brown on the first Monday in October; in the county of McDonough on the second Monday in October; in the county of Schuyler on the third Monday in October; in the county of Mason on the fourth Monday in October; and in the county of Cass on the first Monday in November.

§ 2. That hereafter the circuit courts shall be holden in the twelfth judicial circuit, at the county seats of the respective counties, at the times following, to wit: in the county of White on the first Monday in April and third Monday in August; in the county of Wabash on the Mondays following; in the county of Edwards on the Mondays following; in the county of Wayne on the Mondays following; in the county of Marion on the Mondays following; in the county of Jefferson on the Mondays following, and continue there two weeks; in the county of Hamilton on the Mondays following, and continue one week; in the county of Saline on the Mondays following, for one week; and in the county of Gallatin on the first Mondays of July and second Monday in December, and continue until the business be disposed of.

§ 3. All writs, subpoenas and other process, which may have been or may be issued out of and made returnable to the terms of the circuit courts, as heretofore required by law to be holden in the counties composing the fifth and twelfth judicial circuits, shall be deemed and taken to be returnable to said terms as required to be holden under this act; and all notices which may have been given, either by publication or otherwise, with reference to the terms as heretofore required to be holden, shall by force of this act refer to the terms of courts as herein required to be holden, and all proceedings pending in said courts shall be taken up and disposed of as if no alteration had been made in the terms of holding said courts.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED June 22, 1852.

In force June 22, 1852. AN ACT to dispose of the swamp and overflowed lands and to pay the expenses of selecting and surveying the same

Grant of lands.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all the swamp and overflowed lands granted to the state of Illinois, by the act of congress entitled "an act to enable the state of Arkansas, and other states, to reclaim the swamp lands within their limits," approved September twenty-eighth, one thousand eight hundred and fifty, be and the same are hereby granted to the counties, respectively, in which the same may lie or be situated, for the purpose of constructing the necessary levees and drains to reclaim the same, and the balance of said lands, if any there be, after the same are reclaimed or aforesaid, shall be distributed in each county, equally, among the townships thereof, for the purposes of education, or the same may be applied to the construction of roads and bridges, or to such other purposes as may be deemed expedient by the courts or county judge hereinafter mentioned desiring so to apply it.

Conveyances.

§ 2. Whenever it shall appear that any of the lands granted to the state by the aforesaid act of congress shall have been sold by the United States since the passage of this act, it shall be lawful for the said counties to convey such lands to the purchasers thereof. The said deed of conveyance shall be made by the judges of the county court, as such, and countersigned by the clerk of said court, with the official seal thereof affixed; and on delivering said deed to the purchaser, the county judge shall take from him an assignment of all his rights in the premises, and as such assignees they shall be authorized to receive from the United States the purchase money of said land; and whenever any lands embraced by the said act have been located by bounty land warrants since the passage thereof, it shall be lawful for such county in which the same are situated to convey the same in manner aforesaid, to the person or persons who located said warrant, and to take an assignment of the same to them as county judges, who shall thereupon be considered as assignees of the state, and as such may locate said warrant on any of the public lands belonging to the United States within the limits of such county, or elsewhere. Whenever lands embraced by the said act have been located since the passage thereof,

under the provisions of the act of congress approved fourth September, one thousand eight hundred and forty-one, it shall be lawful for the counties in which the same may lie to locate a like quantity of public land within the limits of such counties, or elsewhere: *Provided*, the same shall be located in accordance with the provisions of the said act of the fourth September, eighteen hundred and forty-one. Locations. And whenever any swamp and overflowed lands within the limits of any county, lying outside of the six sections and within the fifteen miles of the Central Railroad and branches, have been selected by the Central Railroad company, under the provisions of the act of congress approved September twentieth, eighteen hundred and fifty, and which are of the character embraced by the said act of the twenty-eighth September, eighteen hundred and fifty, it shall be lawful for any such county to select other lands in lieu thereof, within the fifteen miles authorized by the act of twentieth September, eighteen hundred and fifty; and it is hereby understood, and so intended by this act, that all the rights of the state accruing thereto in the above enumerated cases, under the said act of twenty-eighth September, eighteen hundred and fifty, and the decision of the secretary of the interior of the twenty-third December, eighteen hundred and fifty-one, in regard to the grants made by the said last mentioned act, be and the same are hereby vested in the counties aforesaid, for the purposes aforesaid.

§ 3. The auditor of public accounts shall, within a reasonable time after the passage of this act, furnish to each of said counties a full abstract of all the swamp and overflowed lands within the limits of the same, and of all the swamp and overflowed lands which have been purchased from the United States, or which have been located by bounty land warrants, or to which the right of pre-emption has attached, or which has been, under the act of September twentieth, eighteen hundred and fifty, selected by the Central Railroad company, in lieu of lands sold by the United States, in said six sections, since the passage of said act of twenty-eighth September, eighteen hundred and fifty, the same to be made out as far as practicable from the surveyor's returns filed in his office; which said abstract shall be recorded in a book to be provided by the clerk of the county court, and filed away among the records of his office. Abstract

§ 4. The said lands shall be under the care and superintendence of the county courts of the counties, respectively, in which the same are situated. And at the next regular term for holding said courts, after the passage of this act, it shall be the duty of the said county courts of their respective counties to appoint an officer, to be styled "Drainage Commissioner of the county of —," who shall, within twenty days after his said appointment, enter into Care of swamp lands.
Drainage commissioners.

bond, with good security, to be approved by the county court, payable to the people of the state of Illinois, for the use of the inhabitants of the county of —, in the penal sum of ten thousand dollars, conditioned for the faithful performance of all the duties required of him, or which may hereafter be required of him by law.

§ 5. It shall be the duty of the surveyors in the several counties in this state, who have surveyed the said swamp and overflowed lands in their respective counties, to make out plats of all the swamp and overflowed lands in the several townships and fractional townships within their counties, noting distinctly upon the same every tract or parcel of swamp and overflowed land in each township, the quantity and quality thereof, as to whether the same is first, second, or third rate; and it shall be his duty to return the same, as soon as practicable, and in reasonable time, to the clerk's office of the county court, and the said court, at the next regular term thereafter, or sooner if deemed necessary, shall fix a valuation upon each tract according to its quality; but in no case shall any of said land be valued at a less price than ten cents per acre; and the said plat, with the description and valuations marked thereon, shall be recorded in said book, and filed away among the records of the office: *Provided*, that in case of the death or refusal to act of any such county surveyors, the said courts may employ any other suitable person or persons to perform the duties aforesaid.

§ 6. After the surveyors have returned the plats as aforesaid, and the valuations have been made and recorded as aforesaid, the said court shall fix upon the proper time for selling said lands, which shall in all cases be at the county seat, and at the court house door of the several counties. The said courts may order the whole of said lands to be sold, and the sale to be continued from day to day, or they may order a part only of said lands to be sold from time to time, as they may deem most expedient, and all such orders so made by them shall be entered on record in said book.

§ 7. The said drainage commissioner shall be notified in writing, by the clerk, of all such orders, and within a reasonable time thereafter, not exceeding ten days, he shall give at least sixty days' notice of the time and place of the sale thereof, by publishing the same in some newspaper printed in the county, or if there be no such newspaper, then by posting up two notices thereof in each election precinct, and in the most public places therein in said county, for the like period of sixty days before said day of sale. The said notices shall contain an accurate description of the lands to be sold, and shall specify the time, place and terms thereof, and that the sale will be at public auc-

tion, between the hours of ten o'clock A. M. and five o'clock P. M. of the day fixed therefor, and that the same will be continued from day to day, if deemed necessary.

§ 8. The terms of selling said lands shall be to the highest bidder, for cash, the amount of which, however, may be discharged by the purchaser in labor, to be performed according to the terms and manner hereinafter specified. Terms of sale.

§ 9. In conducting the sale, the said commissioner shall sell the same in such order as may be directed by the county court. No tract shall be sold for less than its valuation, and the same shall be cried separately and long enough to enable any one to bid who desires it. Order of sale.

§ 10. Upon closing the sales each day, the purchasers shall each pay or secure the payment of the purchase money according to the terms of sale, or in case of his failure to do so by ten o'clock the succeeding day, the tract purchased shall be again offered at public sale, on the same terms as before, and if the valuation shall be bid the same shall be stricken off, but if the valuation be not bid the tract shall be set down as not sold. If sale is made, the former purchaser shall be required to pay the difference between his bid and the valuation of the tract; and in case of his failure to make such payment, the drainage commissioner may forthwith institute an action of debt or assumpsit in his name, for the use of the inhabitants of the proper county, for the required sum, and upon making proof, shall be entitled to judgment, with costs of suit, which, when collected, shall be applied as other moneys arising from the sale of lands; and if the amount claimed does not exceed one hundred dollars, the suit may be before a justice of the peace, but if more than that sum, then in the circuit court of any county wherein the party may be found. Payments.

§ 11. Upon the completion of every sale by the purchaser, the commissioner shall enter the same in a sale book to be kept for that purpose, and shall deliver to the purchaser a certificate of purchase, stating therein the name and residence of the purchaser, describing the land sold, and the price paid therefor; which certificate shall be evidence of the facts therein stated; and when presented to the county court, it shall be the duty of said court to execute and deliver to him a deed in fee simple for the land therein described, signed in their official capacity, and countersigned by the clerk of said court, with the official seal thereto affixed; which said deed shall vest in said purchaser an absolute title in fee simple of said lands therein described. Entries of sales.

§ 12. The said county courts shall cause the said lands to be drained, by the construction of proper levees and drains necessary to reclaim the same, and whenever there are bodies of said land extending into two or more counties, Drainage.

and the reclaiming of the same can be more effectually accomplished by the co-operation of such counties, it shall be lawful for them to unite for that purpose; and if the said county courts thus uniting are of opinion that said lands can be more effectually reclaimed, and the value thereof enhanced, by cutting a canal through the same, they are hereby fully authorized so to do.

§ 13. The surveyors or others employed to perform the duties specified in the fifth section of this act, shall also report to the county courts all the lands in their respective counties which are susceptible of being drained or reclaimed, in all cases where said information cannot be satisfactorily had from the said abstracts from the auditor's office, with an estimate of the probable cost thereof; and at the regular term after said reports are received, the said courts shall divide all such drainable lands in their counties into sections, numbered one, two, three, &c., and whenever there shall be a sufficiency of lands sold to complete one or more sections, the same shall be, as soon as practicable, put under contract, and operations commence thereon; and in like manner shall the work progress until the avails of said lands are exhausted, or the drainage completed.

§ 14. The said county court shall cause the work to be done on the said sections, to be let out at public sale to the lowest bidder, and it shall be the duty of the drainage commissioner, on being ordered by said court so to do, to give at least six weeks' notice of the time and place of such lettings, by putting up notices thereof in six of the most public places in the county, and in case there shall be a newspaper printed in the county, then by causing a similar notice thereof to be published in the same for the like period of six successive weeks before the day of such letting. The said lettings shall be at the court house door of the county, and between the hours of ten o'clock A. M. and five o'clock P. M. of said day; and the said notice shall contain specifications of the work to be done, to be made out under the direction and control of the county court.

§ 15. The persons to whom said lettings shall be struck off, shall enter into bond, with good security, payable to the said commissioner, for the use of the inhabitants of the county, in the penal sum of double the value of his bid, conditioned for the faithful performance of the work so undertaken by him, according to the specifications thereof, and on a failure to comply with the condition thereof, said bond shall be forfeited, and suit brought upon the same to recover damages for noncompliance.

§ 16. The said county courts, in laying off said work into sections as aforesaid, shall make such division thereof as will enable purchasers of land to pay for the same in necessary work; and if said purchasers shall be the lowest

bidders at the lettings, the land so purchased shall be paid for in work, but if any other responsible person or persons shall be lower bidders, the same shall be struck off to him and them, and the purchasers aforesaid shall be forthwith required to pay for their lands purchased in cash, or on credit, by giving mortgage and good security for the purchase money, at the discretion of said drainage commissioner.

§ 17. That said county courts shall not dispose of or sell more of said lands than shall be absolutely necessary to complete the reclaiming and draining the same; and in all cases where there are any lands remaining unsold after the completion of said draining in any county, the lands so remaining unsold as aforesaid shall belong and the same is hereby granted to the several townships in such county, equally to be divided between them, and shall constitute a part of the school fund of each township, and shall be disposed of by the school commissioners of said counties, for educational purposes, in the same manner as the sixteenth in each township now is by law: *Provided*, that any county in this state may apply the remainder of said lands in such county to the construction of roads, bridges or other works of internal improvements within the limits thereof, in case it shall be deemed expedient by the court so to do. Limit of sales. Proviso.

§ 18. If any drainage commissioner, or other person, shall embezzle or appropriate to their own use any money, bonds, bills, notes or mortgages, belonging to the drainage fund of any county in this state, he, she or they shall be liable to indictment, and on conviction shall be imprisoned in the penitentiary of this state for a period not less than one nor more than five years, and such conviction shall work a forfeiture of office in all cases.

§ 19. All lands not sold at public sale, as herein provided for, shall be subject to sale at any time thereafter at the valuation, and the county judges in term time, or the clerks of the county court in vacation, are authorized and required to sell all such lands at private sale upon the terms upon which they were offered for at public sale, the money to be paid over to the drainage commissioner, and his receipt taken therefor: *Provided*, the purchaser shall pay a fee of fifty cents to the said clerk for each tract purchased; and all incidental and necessary expenses incurred in carrying into effect the provisions of this act shall, on being satisfactorily proved before the county court, be paid by the drainage commissioner out of any funds in his hands not otherwise appropriated. Private sales. Proviso.

§ 20. The surveyors and assistant surveyors employed in selecting the swamp and overflowed lands donated to the state of Illinois by the general government, under an act of congress, dated September twenty-eight, eighteen hundred Compensation of surveyors.

and fifty, shall be allowed the sum of three dollars per day, which shall include and be in full for their services and all expenses of whatsoever kind.

Chainmen, &c. § 21. The chainmen and others necessarily employed by the surveyors in surveying and locating the said lands, shall be allowed the sum of one dollar per day, which shall include and be in full for their services and expenses; and where it was necessary to employ a team, the sum of one dollar per day shall be allowed for the time actually employed. And the county clerks of the respective counties shall be allowed a reasonable compensation, in the discretion of the county court, to be paid in the same manner as the county surveyors, for all abstracts, certificates, copies of records, official searches, and other services necessarily rendered by them to and at the request of such surveyors in surveying and locating said lands.

County and assistant surveyors. § 22. The surveyor shall be required to file in the office of the auditor of public accounts an affidavit, setting forth the number of days he was actually and necessarily employed, and the number of days that each person, naming such person, was actually and necessarily employed by him, and when a team was employed, the number of days such team was actually and necessarily employed, and when an assistant surveyor was employed, that such assistant is a practical surveyor, and was authorized by him to make selections of swamp and overflowed lands.

Assistant surveyors. § 23. Assistant surveyors shall be required to file in the office of the auditor of public accounts a like affidavit as that required of the surveyor in the preceding section.

Pay of assistant surveyors. § 24. Assistant surveyors shall only receive the pay allowed by this act to assistant surveyors, where they have been employed separate and apart from the surveyor, and no assistant surveyor shall be entitled to pay as an assistant surveyor where he has been employed in selecting the same lands selected by the surveyor, or for lands selected by them jointly; which fact shall be proven by the affidavit of the surveyor.

Auditor to issue warrants. § 25. When accounts are proved and filed, as provided for in this act, in such manner as shall be satisfactory to the auditor, the auditor is hereby authorized and required to draw his warrant on the treasurer for the amount thereof in favor of the persons entitled thereto, or on their written order. The several amounts authorized to be paid by this act are hereby appropriated: *Provided*, that the auditor shall charge the several amounts so paid to the drainage fund of the several counties, and the same shall be a debt due and owing from such fund to the state, and it is hereby made the duty of the drainage commissioners to pay, out of the first moneys received from the sale of lands, to the collectors of the several counties, the said amounts so charged by the au-

Provide.

ditor against such drainage funds as aforesaid, which said amounts shall be paid by said collectors into the state treasury as other state funds.

§ 26. Each and every person who on the twenty-eighth day of September, one thousand eight hundred and fifty, was the owner of any improvement made previous to that date, or who since that date has become the owner of such improvement, on any of the said swamp and overflowed lands, and who became such owner with a view to a residence on or occupation of such land for agricultural purposes, shall have the right to purchase, at the appraised value thereof, a quantity of land, including his said improvement, to be bounded by the legal subdivisions, not exceeding one quarter section, to consist of the quarter quarter, half quarter, or quarter section: *Provided*, that any person claiming the right to purchase under this act shall, within three months from the passage of this act, file in the clerk's office of the county court of the proper county, a notice of his, her or their claims, describing the land by its numbers, accompanied with an affidavit stating the date and object of the improvement, the time and manner, where and how, he, she or they became the owner thereof, and also the affidavits of two residents of the county, proving the facts in relation to such claim: *And provided further*, that any person claiming the right to purchase as aforesaid, shall, within twelve months from the day fixed for the letting of the section in which his said improvement may be situated, pay to the drainage commissioner the consideration money for the land claimed, or the person so claiming shall be allowed to pay the same in labor, according to the provisions of this act, which payment shall entitle him, her or them to a deed, conveying an estate in fee; but in case of failure to make such payment, or to pay in labor as aforesaid, the right to make the purchase shall cease. When two or more persons claim the right to purchase the same land, and file the proof of ownership as herein required, the person proving the first residence or ownership, by himself or those under whom he claims the improvement, shall have the right to make the purchase, but no sale or conveyance of any lot of land under the provisions of this section shall affect the rights or equities of parties claiming the same as between each other.

§ 27. All business in relation to the swamp and overflowed lands shall be transacted at the regular term of the county courts, except on extraordinary occasions, when said county courts shall have the power to appoint special terms for the transaction of such business. And where said counties have adopted the township organization law, and are acting under its provisions, the county judge in such counties shall exercise the same powers and perform the same duties as the judges of the county courts are required to ex-

Fees.

ercise and perform under the provisions of this act, and they shall hold meetings for the transaction of all business connected with the swamp and overflowed lands in their counties, at such times as the county courts are required to do, and they may convene on extraordinary occasions to transact such business when the nature of the case shall require it; and the fees of officers and others necessarily employed shall be as follows: to the drainage commissioner, such reasonable compensation as may be allowed by the county court or county judge; to the county judge, or judge and clerks, the same fees as are now allowed by law for the performance of their other duties—provided that the clerks shall prepare all deeds to be executed by said county judges or judge, for which they shall be allowed one dollar, to be paid in all cases by the purchaser; to surveyors, chainmen and others necessarily employed, a reasonable compensation, to be fixed by the court or county judge; which fees, with the exception aforesaid, shall be paid out of the drainage fund. It shall be the duty of all constables, coroners, sheriffs, justices of the peace, county surveyors, and grand jurors, to take notice of all trespasses committed on such lands, either by cutting timber or otherwise; and to take all legal steps, under the laws of this state, to bring such offenders to punishment. And it shall be the duty of the state's attorneys in the respective judicial circuits, to give this section specially in charge to the grand jurors of such counties at each circuit court.

This act to take effect and be in force from and after its passage.

APPROVED June 22, 1852.

In force June 22,
1852.

AN ACT to give validity to conveyances.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the acts of David Rowland, esq., a commissioner to take acknowledgment of deeds, &c., in the city of Washington, for this state, done and performed between the ninth day of August, A. D. 1851, and the twelfth day of May, A. D. 1852, be held valid and legalized so far as relates to the acknowledgment of deeds taken before and certified by him, as such commissioner, during the above time.

APPROVED June 22, 1852.

David Rowland's
acts legalized.

AN ACT to incorporate the Wabash Valley Railroad company, and to regulate the capital stock of other railroads. In force July 22, 1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That J. C. Allen, H. Alexander, John B. Richardson, James Lockard, S. Archer, J. H. Wilson, R. G. Morris, Aug. C. French, William Draper, Jacob Young, Joseph Piquet, J. R. Wynn, John Houston, U. Manly, John Shephard, Thomas C. Bailey, W. Steel, J. K. Greenough, T. R. Young, and such other persons as may associate with them for that purpose, are hereby made and constituted a body corporate and politic, by the name and style of "The Wabash [Valley] Railroad company," with perpetual succession, and by that name and style shall be capable in law of taking, purchasing, holding, leasing, selling and conveying estate and property, whether real, personal or mixed, so far as the same may be necessary for the purpose hereinafter mentioned, and no further; and in their corporate name may sue and be sued, to have a common seal, which they may alter or renew at pleasure, and may have and exercise all powers, rights, privileges and immunities which are or may be necessary to carry into effect the purpose and object of this act, as the same are hereinafter set forth.

§ 2. The Wabash [Valley] Railroad company shall have full power and authority to locate, construct, finish and maintain a railroad, with one or more tracks, commencing at or near Vincennes, on the Wabash river, and running from thence north through the counties of Lawrence, Crawford, Clark, and if need be, Edgar, on the most direct and eligible route, so as to connect with any road crossing the state in the direction of Terre Haute not west of Charleston, in Coles county, in this state; and the company incorporated under the provisions of this act are prohibited from building any portion of their road west of a direct line between Vincennes and Springfield, or in the direction from Terre Haute to the Mississippi river, and to take and carry property and persons upon said railroad, by power or force of steam, or of animal, or of any mechanical or other power or combination of them which said company may choose to use or apply; and for the purpose of constructing said railroad, said company shall have authority and power to lay out, designate and establish their road, in width not exceeding one hundred and fifty feet through the entire line thereof, and may take and appropriate to their own use all such lands so designated for the line and construction of said road, upon first paying or tendering therefor such amount of damage as shall have been settled by appraisal, in the manner hereafter provided, on all such lands as may be taken, or upon any tract which may be located by said

Right of way.

company, and for the purpose of cuttings and embankments, and for the purpose of obtaining of stone and gravel, may take and appropriate as much more of land as may be necessary for the proper construction, maintenance and security of said road, for the construction and security of said road, and for constructing shops, depots and other suitable, proper and convenient fixtures in connection with and appurtenances to said railroad; may take and have, use and occupy any lands upon either side of said railroad, not exceeding two hundred feet in depth from said railroad, said company taking all such lands as gifts, or purchasing or making satisfaction for the same in the manner hereafter provided: *Provided*, that this section shall not be construed to restrict or prevent the construction of public roads or canals, or railroads across the road of said company, when deemed expedient, but so as not materially to impair or obstruct the same.

Proviso.

State lands, &c.

§ 3. The said company, and under their direction, agents, servants and workmen, are hereby authorized and empowered to enter into and upon the lands and grounds of or belonging to the state, or to any person or persons, bodies politic or corporate, and survey and take levels of the same or any part thereof, and to set out and ascertain such parts as they shall think necessary and proper for making said railroad, with one or more sets of tracks or rails, and for all the purposes connected with said railroad for which the said corporation by the last preceding section is authorized; to have, take and appropriate any lands, and to fell and cut down all timber and other trees standing or being within one hundred feet on each side of said line of said railroad, the damages occasioned by the felling of such trees, unless otherwise settled, to be assessed and paid in manner hereafter provided for assessing and paying damages for lands taken for the use of said railroad company; and also to make, build, erect and set up, in and upon the route of said railroad, or upon the land adjoining or near the same, all such works, ways, roads and conveniences as may be requisite and convenient for the purpose of said railroad; and also, from time to time, to alter, repair, amend, widen or enlarge the same, or any of the conveniences above mentioned, as well for the carrying, conveying goods, commodities, timber or other things to and upon the said railroad, as for carrying or conveying all manner of material necessary for making, erecting, furnishing, altering, repairing, amending or enlarging the works of or connected with said railroad, and to contract and agree with the owner or owners thereof for either timber, gravel, stone or other material, or any article whatever which may be wanted in the construction or repair of said railroad or any of its appurtenances, they, the said company, doing as little damage as

possible, in the execution of the said powers hereby granted, and making satisfaction in the manner hereafter mentioned for all damages to be sustained by the owners or occupiers of said land.

§ 4. The said company shall have power and authority ^{Real estate.} to receive, take and hold all such voluntary grants and donations of lands and real estate, for the purpose of said railroad, as may or shall be made to said company in the construction, maintenance and accommodation of said railroad; and said company may contract and agree with the owners or occupiers of any lands upon which said company may wish to construct said railroad or way, or which said company may wish to use or occupy, for the purpose of procuring stone, land, gravel, or either, or other materials, to be used in embankments or otherwise in or about the construction, repair or enjoyments of said railroad, or which said company may wish to use or occupy in any manner, or for any purpose or purposes connected with said railroad, for ^{Proceedings.} which said company is empowered and authorized by this act to take, have or appropriate any lands, and to receive and take grants and conveyances of any and all interests and estate therein, and to them and to their successors or assignees in fee or otherwise; and in case said company cannot agree with such owners or occupiers of such lands as aforesaid, so as to procure the same by the voluntary deed or act of such owners or occupiers thereof, or if the owners or occupiers, or any or either of them, be a *femmes covert*, infant, *non compos mentis*, unknown or out of the county in which the land or property wanted may lie or be situated, the same may be taken and paid for, if any damages are awarded, in the manner provided for in an act to provide for a general system of railroad incorporations, approved November 5, 1849, or by any other act that may have been or may hereafter be passed by the general assembly of the state of Illinois, to enable railroad companies to appropriate lands for the purposes aforesaid; and the final decision or award shall vest in the corporation hereby created all the rights, privileges, franchises and immunities in said act contemplated: *And provided*, that any appeal that ^{Proviso.} may be allowed under the provisions of the act above recited, or by virtue of any general law of this state, shall not affect the possession of said company of the land appraised, and when the appeal may be taken or writ of error prosecuted by any person or persons, other than the said company, the same shall not be allowed except on the stipulation of the party so appealing or prosecuting such writ of error; that the said company may enter upon and use the lands described in the petition for the use and purposes herein set forth, upon said company giving bond and security, approved by the clerk of said court, that they will pay to

the party so appealing or prosecuting such writ of error, all cost and damages that may be awarded against them on the final hearing of such appeal or writ of error, within thirty days after the rendition thereof, or forfeit all right to use the lands or way so condemned.

Capital stock.

§ 5. The capital stock of said company shall be five hundred thousand dollars, which said capital stock of this or any other organized railroad company, may, by order of their several boards of directors, be increased, when deemed necessary, to any amount not exceeding the actual *bona fide* estimated cost of constructing and equipping their respective roads, and subscription to the increased capital stock may be made, from time to time, as may be ordered and directed by the boards of directors of such companies, respectively; which stock shall be divided into shares of fifty dollars each, which shall be deemed personal property, and may be issued, certified, transferred and registered in such manner and at such places as may be ordered and provided by the board of directors, who shall have power to require the payment of stock subscribed in the manner and at the time and in such sums as they may direct; and on the refusal or neglect on the part of stockholders, or any of them, to make payment on the requisition of the board of directors, the share of such delinquent may, after thirty days' public notice, be sold at public auction under such rules as the directors may adopt, the surplus money, if any remains after deducting the payments due, with the interest and necessary cost of sale, to be paid to the delinquent stockholder. The board of directors, hereinafter named and approved, shall cause books to be opened for subscription to the capital stock of said company, at such times and places and in such manner as they shall direct: *Provided*, that as soon as seventy-five thousand dollars of *bona fide* subscription shall be made to said capital stock, and five per cent. thereon paid, it shall be lawful for said company to commence the construction of said road.

Proviso.

Directors.

§ 6. All the corporate powers of said company shall be vested in and exercised by a board of directors, to consist of not less than seven or more than eleven in number, and such other officers, agents and servants as they shall appoint. The first board of directors shall consist of J. C. Allen, John B. Richardson, S. Archer, R. G. Morris, Aug. C. French, John Huston, J. K. Greenough, U. Manly, Thos. C. Bailey, J. R. Wynn, John Shephard, Jacob Young and John Piquet, who shall hold their office until their successors are elected and qualified; vacancies in the board may be filled by a vote of two-thirds of the directors remaining; such appointees to continue in office until the next regular annual election of directors, and which said annual election shall be held on the first Monday of July in each year, at

such place as the directors may direct; thirty days' notice by printed notice being given, or in two newspapers printed along the line of said road.

§ 7. At any election held for directors, each share of stock shall be entitled to one vote, to be given either in person or by proxy, and the person receiving the largest number of votes to be declared duly elected, and to hold their office until the next annual election and until their successors are elected and qualified. All elections for directors to be conducted by three judges selected by the stockholders present.

§ 8. The directors herein named are required to organize the board by electing one of their number president, and by appointing a secretary and treasurer. Organization.

§ 9. The said company shall have power to purchase with the funds of the company, and contract for, and place on the railroad hereby authorized to be constructed, all machines, wagons, carriages and vehicles of any description which they may deem necessary and proper for the purpose of transportation on said road, and they shall have power to charge for tons, and transportations and rates of fare, such sums as shall be lawfully established by the by-laws of said company. Machines, &c.

§ 10. Said company shall have power to make, ordain and establish all such by-laws, rules and regulations as may be deemed expedient and necessary to fulfil the purpose and carry into effect the provisions of this act, and for the well ordering and securing the affairs, business and interest of said company: *Provided*, that the same be not repugnant to the constitution and laws of the United States or of this state. By-laws, &c.

§ 11. The said board of directors shall have power to regulate the manner of transportation of persons and property, the width of track, the construction of wheels, the form and size of the cars, the weight of loads, and all other matters and things respecting the use of said road, and the conveyance and transportation of persons and property thereon. Width of track, &c.

§ 12. Whenever it shall be necessary for the construction of said railroad to intersect or cross a track of any other railroad, or any stream of water or water course, or road or highway, lying on the route of said road, it shall be lawful for the company to construct their railroad across or upon the same: *Provided*, that the said company shall restore the railroad, stream of water, water course, road or highway thus intersected or crossed, to its former state, or in a sufficient manner not materially to impair its usefulness. Intersections.

§ 13. The said company shall, annually or semi-annually, make such dividends as they may deem proper of the Dividends.

net profits, receipts or income of said company among the stockholders therein, in proper proportion to their respective shares.

Penalties.

§ 14. If any person shall do, or cause to be done, or aid in doing or causing to be done, any act or acts whatever, whereby any building or constructure, or work of said company, or any engine, machine, or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired or weakened, injured or destroyed, the person or persons so offending shall be guilty of a misdemeanor, any may be punished, upon conviction, by fine, in any sum not exceeding one thousand dollars, or by imprisonment not exceeding five years, or both, at the discretion of the court, and shall forfeit and pay to the said corporation treble the amount of damages sustained by reason of said offence or injury, to be recovered in the name of the said company, with costs of suit, in an action of trespass, before any justice of the peace of this state, or before any court having jurisdiction thereof.

Union with other roads.

§ 15. Said company shall have the power to unite its railroad with any other railroad now constructed or which may hereafter be constructed, either in this state or the state of Indiana, upon such terms as may be mutually agreed upon between the companies so connecting, and for that purpose full power is hereby given to said company to make and execute such contracts with any other company as will secure the objects of such connection.

Power to borrow money.

§ 16. Said company is hereby authorized, from time to time, to borrow such sum or sums of money as may be necessary for completing and finishing or operating their said railroad, and to issue and dispose of their bonds, in denominations of not less than five hundred dollars, at such rate of interest, not exceeding seven per cent. per annum, and at such discount as may be thought for the benefit of the company. This section shall apply to all railroad incorporations in the state which desire to avail themselves of its provisions, and for any amount so borrowed, and to mortgage their corporate property and franchises, or convey the same, by deed of trust, to secure the payment of any debt contracted by said company for the purposes aforesaid; and the directors of said company may confer on any bondholder of any bond issued for money borrowed as aforesaid, the right to convert the principal due or owing thereon into stock of said company, at any time, not exceeding ten years from the date of the bond, under such regulations as the directors of said company may see fit to adopt.

Restriction.

§ 17. The said company hereby chartered shall be required to construct and operate their said road throughout the entire line thereof, according to the terms of this charter, to a point in Clark county, at least as far north as the

town of Marshall, in said county, within ten years after the work shall be commenced thereon, and upon failure so to do shall forfeit all rights and privileges, tracks completed, and work done upon the said road: *Provided*, the work shall be commenced on said road within ten years after the passage of this act.

§ 18. This act shall be deemed and taken as a public act, and shall be in force from and after its passage.

APPROVED June 22, 1852.

AN ACT to amend an act entitled "an act to amend an act entitled 'an act to incorporate the Peoria and Oquawka Railroad company,' approved February 10, 1851." In force June 22, 1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the capital stock of the Peoria and Oquawka Railroad company is hereby increased to the sum of thirty-five hundred thousand dollars, and the stockholders of said company, and their successors, shall have perpetual succession, by the name and style aforesaid, and shall have and enjoy all the rights and privileges heretofore or herein granted to said company by said general assembly. Increase of stock.
Succession.

§ 2. The acts of the commissioners for receiving subscription to the capital stock of said company and the subscribers to said stock, in organizing said company and in the election of directors, on the twentieth day of June, in the year of our Lord one thousand eight hundred and fifty-one, are hereby declared to be legal and valid in law, any omissions or imperfections in relation to said organization to the contrary notwithstanding. Acts legalized.

§ 3. The directors of said company are hereby empowered and authorized to locate said railroad on the most direct, eligible and feasible route, from Peoria to Knoxville, without reference to Farmington: *Provided*, that said company shall build a branch of said railroad to Farmington, and shall establish a depot there. Location of road.
Proviso.

§ 4. The said directors are also empowered and authorized to locate the branch of said railroad provided for in the fourth section of the act to which this is an amendment, according to the survey already made thereof, and to fix the termination of said branch on the Mississippi river at a point opposite to or above or below the city of Burlington, in the state of Iowa, which termination shall be within two miles of said point opposite the said city of Burlington, Iowa. Location of branch.

§ 5. The said company shall have the right of way upon and may appropriate to its sole use and control, for the pur- Right of way over state lands.

poses and uses of said railroad company, any land belonging to the state of Illinois, not exceeding two hundred feet in width, wherever any such land may be situated along said railroad, for its entire length, as well as along its branches, and may enter upon and take possession of and use all and singular any lands, streams and materials of every kind belonging to said state, for the location of depots and stopping stages, for the purpose of constructing bridges, dams, embankments, excavations, station grounds, spoil-banks, turn-outs, engine houses, shops and other buildings, necessary for the construction, completing, altering, maintaining, preserving and complete operation of said road; and all such lands, waters, materials and privileges are hereby forever granted to said company for said purposes.

Ferry across the
Mississippi.

§ 6. Said company are hereby authorized and empowered to make and establish a ferry across the Mississippi river, at the termination of the branch west of Monmouth, to such point on the Iowa shore of said river as the said company may be authorized or required to land at. Said company are also authorized and empowered to make and establish a ferry across the Illinois river, from any ground owned by them in the city of Peoria, to the opposite shore of said Illinois river, in Tazewell county. They are hereby authorized to make and use all necessary boats and apparatus, of all and every description whatsoever, advantageous and necessary for the use of said company, at either or both of said ferries, and propel the same by horse, steam, or any mode or power that to said company may seem best: *Provided*, that said company shall not use said ferries or allow the same to be used for any other purpose than those connected with or arising out of the business of said railroad.

Across the Illi-
nois.

Proviso.

Improvement of
landings.

§ 7. Said company shall have authority and power to improve all or either of their landings at either or both of said ferries, by building a pier or piers, or making embankments into either or both of said rivers: *Provided*, that any such improvement does not interfere with the free navigation of either of said rivers.

Proviso.

Penalties.

§ 8. If any person shall wilfully or negligently do or cause to be done, any injury to said ferries, or to any boat or appurtenance thereto belonging, the person or persons so offending shall forfeit and pay to said company three times the amount of such injury, to be recovered by action of debt or action on the case before any justice of the peace or other court having jurisdiction of the same. The said ferries shall be deemed public highways, within the meaning of the laws providing for the punishment of persons injuring, obstructing or destroying public highways or bridges, in any manner or by any means whatever.

Extension to In-
diana line.

§ 9. The said company are hereby authorized to continue said railroad from Peoria, on the most eligible route

eastward, to a point on the Indiana state line, which shall be not more than twenty miles either north or south of a due east and west line that would run through Lafayette, Route. Indiana. And the same powers and privileges for construction and maintaining this extension, and for connecting the same with other roads, as is contained in the original charter, is hereby conferred upon said company in relation to this extension.

§ 10. That the Peoria and Oquawka Railroad company shall have power to borrow money, on the credit of the company, not exceeding its authorized capital stock, at a rate of interest not exceeding ten per cent. per annum, payable semi-annually, and may execute bonds therefor, with interest coupons thereto annexed, and secure the payment of the same by mortgage or deed of trust on the whole or any part of the road, property and income of the company, then existing or thereafter to be acquired, and may annex to such mortgage bonds the privilege of converting the same into the capital stock of the company at par, at the option of the holders, if such election be signified in writing to the company three years before the maturity of said bonds. Power to borrow money.

§ 11. That the directors of said company be and they are hereby authorized to negotiate and sell the bonds of said company, at such times and such places, either within or without this state, and at such rates and for such prices as in their opinion will best advance the interests of the company; and if such bonds are thus negotiated or sold at a discount below their par value, such sale and disposition thereof shall be as valid and binding on the company, in every respect, as if they were sold or disposed of at their par value. Sale of bonds.

§ 12. That the said company, in securing the payment of the said bonds by a mortgage or deed of trust on the road, property and income of the company, shall have power to execute a mortgage or deed of trust aforesaid, to secure the payment of the full amount of bonds which the company may at the time said deed of trust or mortgage bears date, or at any time thereafter, desire to sell and dispose of, and may execute and sell, from time to time, such amounts of said bonds, and of such dates, and payable to such person or persons, as to the directors of said company may seem advisable, till the whole amount of bonds mentioned in such mortgage or deed of trust is executed and sold; and the said mortgage or deed of trust shall be as valid and effectual to secure the payment of the bonds so executed and sold, and of every part thereof, as if the same and every part thereof had been executed of even date with the said deed of trust or mortgage. Mortgage.

§ 13. This act to be in force from and after its passage.

APPROVED June 22, 1852.

Enacted June 22, 1852. AN ACT to legalize the acts of the Rock Island and Camden Plank Road company, and for other purposes.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the acts and doings of the Rock Island and Camden Plank Road company, organized under the general plank road law, be and the same are hereby legalized, and the said company may proceed in the same manner as if all things had been done in strict conformity with the provisions of the general plank road law of this state.

§ 2. That the county court of the county of Rock Island be and are hereby authorized and empowered to give, grant and convey to said plank road company the bridge now erected across Rock river, from a point lying within the southern half of section fourteen (14,) in township seventeen (17) north, range two (2,) west of 4th P. M., to Vandruft Island, with the entire and sole use and control of the same, upon such terms and conditions as may be agreed upon by the contracting parties; such agreement, grant and conveyance to be made of record in the county court of said county.

§ 3. That Marcus B. Osborn, William Baily, George Mixter, Benjamin D. Walsh and Isaac Negus, their heirs and assigns, be and are hereby authorized and empowered to sell, assign and transfer to said plank road company all their right, title, interest and property, with all the rights and privileges under the same, to a certain charter granted to William Dickson, and others, by the legislature of the state of Illinois, by an act approved Feb'y 15th, 1851; the said Osborn, Baily, Mixter, Walsh and Negus being the legal assignees of said William Dickson of said chartered rights and privileges, and the said plank road company are hereby declared capable of holding and enjoying said charter, and the rights and privileges under the same, in as ample a manner as originally granted to said William Dickson: *Provided, however,* that the said plank road company shall not be required to build a new bridge over the main channel of Rock river so long as they shall keep the present bridge in good repair, so as to afford a safe passage for the public: *And provided further,* that the said company shall have the same rights as to tolls as originally granted in the charter of said William Dickson, so long as they afford a safe passage by a bridge across said Rock river: *Provided, further,* that if at any time the bridges of said company are injured, or by any cause rendered impassable, the said company shall have the same rights and privileges as granted to William Dickson, and be subject to the same conditions and restrictions as to rebuilding or repairing their said bridges.

§ 4. The said company are hereby authorized to construct a branch plank road from and to the terminus specified in the articles of association of said company the whole length of the branch, not to exceed two miles, and the whole length of the said road, together with the branch, not to exceed eight miles instead of seven and one half miles, as specified in the said articles of association: *Provided always*, that the said company be and are hereby authorized and empowered to fix the northern terminus of said branch at or near the town of Camden, if they should see fit so to do: *And provided further*, that the southern terminus of said branch may be located at any point within one quarter of a mile of the terminus designated in the articles of association of said company—that is to say, the centre of section twenty-seven (27,) in township seventeen (17) north, range two (2,) west of the 4th P. M.

§ 5. The southern terminus of said plank road of said company shall be at or near the southeast corner of section twenty-four (24,) in township seventeen (17) north, range two (2,) west of the fourth principal meridian, as specified in the articles of association, and not at one (1) west, as by error was printed in the published notice.

§ 6. Said company may at any time increase its capital stock to any amount not exceeding one hundred thousand dollars, for the purposes of extending their road and building additional bridges, by giving such notice as is required by the general plank road law, approved Feb'y 12, 1849; and when additional stock, to the amount of \$500 for every additional mile of road intended to be constructed, shall have been subscribed, three or more of the directors of said company may make affidavit of such fact, and of the places from and to which the proposed additional road is to be constructed, and each township, town or city through which it is intended to pass, and its length, as near as may be; and upon the filing of such affidavit in the office of the secretary of state, such additional road and such additional stock shall be part and parcel of the road and of the stock of said company.

§ 7. Said company, in addition to the penalties provided by law, shall have the power to sue for and recover, in any court having jurisdiction of the same, any sum or sums of money or instalments thereof which may be subscribed as stock in said road, upon giving thirty days' notice of the time and place of such payments in any newspaper published in the county of Rock Island.

§ 8. Said company shall have the power to borrow any sum of money, not exceeding one half of its capital stock, for the purpose of the more speedy completion of their road, and may issue their bonds and give such other secu-

rity as to them may seem proper, for the money so borrowed.

Damages.

§ 9. Said company shall pay all damages that may arise or accrue to any person or persons by reason of their entering upon and taking lands, timber, rock, stone or gravel for the use of said road or bridges, and if the same cannot be obtained by agreement with the owner, the damages shall be estimated and paid in manner provided by law for the assessment and recovery of damages happening by the laying out of public highways.

Draw.

§ 10. The said plank road company shall not be required to keep up or maintain a draw in the present bridge, nor in any bridge hereafter to be built by them on said road over Rock river, unless the legislature shall hereafter require them so to do.

Construction.

§ 11. This act shall be deemed and considered a public act, and shall be liberally construed for the objects and purposes therein expressed, and shall take effect from and after its passage.

APPROVED June 22, 1852.

In force Aug. 22, 1852. AN ACT to amend an act entitled "an act concerning the public debt," approved February 12th, 1849.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That in case the amendment proposed to the fifteenth article of the constitution shall be adopted by the people at the election in November next, the two mill tax required to be annually assessed and collected by said article shall be applied and used in the purchase of the indebtedness of state, bearing interest, other than the canal registered indebtedness, the school indebtedness, and such other indebtedness as is not fully recognized by the laws of this state, in the manner and upon the terms herein provided.

Application of
two mill tax.

Warrants.

§ 2. Upon requisitions of the governor the auditor shall from time to time issue warrants upon the treasurer for sums not exceeding twenty thousand dollars of the proceeds of the tax aforesaid, to be used in the purchase of state indebtedness of the description mentioned in the first section of this act.

Investments to be
accounted for.

§ 3. Upon the reception of the first and each subsequent sum of twenty thousand dollars, the investment thereof shall be shown and accounted for before any subsequent warrant is issued or money paid as aforesaid.

§ 4. The governor is hereby vested with power to use and apply the proceeds of the tax aforesaid in the purchase of state indebtedness of the description aforesaid, at the lowest price or least sum for which the same can be obtained, and he is vested with power to use all lawful ways and means in executing the provisions of this act. Authority to governor.

§ 5. Upon the investment of at least nineteen thousand dollars of each sum of twenty thousand dollars, received as aforesaid, the governor shall make out duplicate statements of the indebtedness purchased, setting forth the proper description of such indebtedness, the name of the person or persons from whom it was purchased, and the amount paid for each bond or certificate, and the total amount invested; one of which certificates shall be filed with the state treasurer and the other with the auditor of public accounts. The said indebtedness shall be cancelled by the governor, and delivered, at the time of filing the certificate, to the auditor, who shall indorse on the face of the bond or certificate, in writing, the words "paid out of the two mill tax fund," and sign his name thereto, and the said indebtedness shall then be registered by the auditor in a proper book kept for that purpose and filed in the office of the treasurer of state: Duplicate statement. *Provided*, that in no case after the issuing of the warrant for the first twenty thousand dollars, as provided for by this act, shall the auditor issue warrants for any additional sum until the requirements of this section is fully complied with, to the end that a greater sum than seventy-one thousand shall at no one time be paid out and remain unaccounted for. Provision.

APPROVED JUNE 23, 1852.

AN ACT to increase the capital stock of the St. Charles and Warrenville Plank Road company. In force June 23, 1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the capital stock of the St. Charles and Warrenville Plank Road company is hereby increased to forty thousand dollars whenever the directors thereof shall deem such increase expedient. And the said company is hereby declared to be legally incorporated, any irregularity in the manner of incorporation of said company to the contrary notwithstanding. Increase of capital stock. Incorporation legalized.

This act to be in force from and after its passage.

APPROVED JUNE 23, 1852.

in force Aug. 22, 1852. AN ACT to give validity to grants and conveyances by the board of trustees of the Illinois and Michigan canal.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all deeds, title papers and agreements and contracts affecting the title to real estate in this state, heretofore executed or which may hereafter be executed by the board of trustees of the Illinois and Michigan canal, under the seal of said board, shall be admitted to record without proof or acknowledgment of the execution thereof, and the same having the seal of said board thereto attached, shall be admitted in evidence in all courts without further proof; and the transcript of the record thereof, duly certified, shall be admitted in evidence without further proof, in same manner as deeds duly acknowledged and recorded are.

APPROVED June 23, 1852.

in force Aug. 22, 1852.

AN ACT to incorporate the Southern Illinois Railroad company.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Hazard Wilson, S. B. Coruth, Joshua Allen, D. Y. Bridges, A. J. Kuykendall, I. N. Pearce, Anderson P. Corder, John Calbert, Willis Allen, W. A. Denning, Samuel K. Casey, William K. Parrish, and such persons as shall become stockholders agreeable to the provisions of this act, in this corporation hereby created, shall be, and for the term of sixty years from and after the passage of this act shall continue to be, a body corporate and politic, by the name of "The Southern Illinois Railroad company," and by that name shall have succession for the term of years above specified; may sue and be sued; make and use a common seal, and alter the same at pleasure; may make by-laws, rules and regulations for the management of property, the regulation of its affairs and for the transfer of its stock, not inconsistent with the existing laws and the constitution of this state and of the United States, and moreover, appoint such subordinate agents, officers and servants as the business of said company may require, prescribe their duties and require bond for the faithful performance thereof.

§ 2. That Samuel B. Coruth and William McBane, of Massac county; Isaac N. Pearce and Andrew J. Kuykendall, of Johnson; James M. Campbell and Robert McHandly, of Williamson county, and William R. Browning and Tilman B. Cantrill, of Franklin county, be and are hereby appointed commissioners for the purpose of procuring sub-

scriptions to the capital stock of said company, whose duty it shall be to open books for the subscription to the capital stock of said company, giving notice of the time and place when and where said books will be opened, at least thirty days' previous thereto, by publication in some newspaper published in some one of the counties through which said road may be constructed. The said commissioners, or a majority of them, shall attend at the place appointed for the opening of said books, and shall continue to receive subscriptions either personally or by such agents as they shall appoint for that purpose, until the sum of one hundred thousand dollars shall be subscribed, and as soon as said sum of one hundred thousand dollars is subscribed, the said commissioners shall give twenty days' notice, by publication in a paper published as above mentioned, of an election by said stockholders of a board of directors as hereinafter provided, for the management of said company, at such time and place appointed for the purpose. The commissioners, or a majority of them, shall attend and act as inspectors of said election, and the stockholders present shall proceed to elect seven directors by ballot, and the commissioners present shall certify the result of such election, under their hands, which certificates shall be recorded in the recorder's book of said company, and shall be sufficient evidence of the election of the directors therein named. The directors thus elected shall hold their office for one year and until their successors are elected and qualified.

Subscriptions.

Directors.

§ 3. The capital stock of said company shall be three hundred thousand dollars, which shall be divided into shares of fifty dollars each, and may be increased by the directors of said company to any sum not exceeding one hundred dollars per share, if necessary to complete the work authorized, and the same shall be subscribed for and taken under the direction of the board of directors of said company, in such time, place and manner as the said directors shall from time to time direct. The shares in said company shall be deemed and considered as personal property.

Capital stock.

§ 4. The affairs of said company shall be managed by a board of seven directors, to be chosen annually by the stockholders from among themselves. At all elections for directors each stockholder shall be entitled to one vote for each share held by him, and may vote either personally or by proxy, and a plurality of the votes given at any election shall determine the choice, but no stockholder shall be allowed to vote at any election after the first, for any stock which shall have been assigned to him within thirty days previous to said election. The directors shall hold their office for one year after election and until their successors are elected and qualified, and shall elect one of their num-

Directors, of their election.

President.

Vacancies.

ber president of said board, and in case of any vacancy occurring in said board of directors between elections, the same may be filled by the board at any regular meeting of the directors, and the person so elected to fill the vacancy shall hold his office until the next annual meeting of the stockholders. In case of the absence of the president of the board the directors shall have power to elect a president *pro tempore*, who shall exercise for the time being all the legal powers of the president of said company. The said board of directors shall be increased by vote of a majority of the stockholders present at any annual meeting, to any number not exceeding fifteen.

Calls for subscriptions.

§ 5. It shall be lawful for the directors to make calls upon the sums subscribed to the capital stock of said company, at such time or times and in such amounts as they shall deem fit, giving at least thirty days' notice of each of said calls, in at least two public newspapers published in this state, and in case of failure on the part of any stockholder to make payment of any call made by said directors for sixty days after the same shall have become due, the said board of directors are hereby authorized to declare said stock so in arrears, and all sums paid thereon, forfeited to said company.

Objects of corporation.

§ 6. The said company are hereby authorized and empowered to locate, construct and complete, and to maintain and operate a railroad, with a single or double track, and with such appendages as may be deemed necessary by the directors for the convenient use of the same, from Metropolis city, in Massac county, by the way of Vienna, in Johnson county; Marion, in Williamson county; Benton, in Franklin county; thence to a point where it may intersect a railroad now about being built, running north and south at or near where it crosses the base line, and are further authorized to survey and determine the line of said road upon such route, between said points, as the said company shall deem most eligible; and the said company are further authorized to use and operate said railroad, and shall have power and authority to regulate the time and manner in which goods, effects and persons shall be transported on the same, and to proscribe the manner in which said railroad shall be used, and the rate of toll for transportation of persons or property thereon, and for the storage of merchandise and other property under their charge, and shall have power to provide all necessary stock and material for the operation of said road, and shall have power to erect and maintain all necessary depots, stations, shops, and other buildings and machinery for the accommodation, management and operation of said road.

Powers, &c.

Right of way.

§ 7. The said company are hereby authorized, by their engineers and agents, to enter upon any lands for the pur-

pose of making the necessary surveys and examination of said road, and to enter upon and take and hold all lands necessary for the continuation of the said railroad and its appendages, first making just and reasonable compensation to the owners of said lands for any damage that may arise to them from the building of said railroad, and in case the said company shall not be able to obtain the title to the lands through which the said road shall be laid, by purchase or voluntary cession, the said company are hereby authorized to proceed to ascertain and determine the damages sustained by such owner or owners in the manner and upon the principles provided by the ninety-second chapter of the Revised Statutes of this state, entitled "Right of Way," upon the principles of any laws which may be hereafter found upon that subject: *Provided*, that after the appraisal of damages as provided in said statutes, and upon deposit of the amount of such appraisal in the circuit court of the county wherever such lands may be situated, the said company are hereby authorized to enter upon such lands for the construction of said road.

§ 8. The said company are authorized and empowered to borrow, from time to time, such sum or sums of money, not exceeding the capital stock of the company, as in their discretion may be deemed necessary, to aid in the construction of said work, and to pay any rate of interest therefor, not exceeding ten per cent., and to pledge and mortgage the said road and its appendages, or any part thereof, or any other property or effects, rights, credits or franchises of the said company, as security for any loan of money and interest thereon, and to dispose of the bonds issued for such loan, at such rate and on such terms as the board of directors may determine. Power to borrow money.

§ 9. Said corporation shall be bound to repair all public highways, bridges and water courses which may be injured in constructing the said railroad or its appendages, and shall restore them as far as practicable to as good a condition as they were before they were injured. Repairs.

§ 10. It shall be lawful for the said company to unite with any other railroad company which may have been or may hereafter be incorporated by this state, and to grant to any such company the right to construct and use any portion of the road hereby authorized to be constructed, upon such terms as may be mutually agreed between the said companies. Union with other roads.

§ 11. Any person who shall wilfully injure or obstruct the said road, or any of the appendages thereto, shall be deemed guilty of a misdemeanor, and shall forfeit to the use of the company a sum three-fold the amount of the damage occasioned by such injuries or obstruction, to be recovered in an action of debt, in the name of said company, Penalties.

with cost of suit, before any justice of the peace, or before any court of record in this state.

Commencement
and completion
of work.

§ 12. The said company shall be allowed three years from the passage of this act for the commencement of said railroad, and in case the same shall not be completed in five years thereafter, the privileges herein granted shall be forfeited.

§ 13. This act shall be deemed and taken as a public act, and shall be construed beneficially for all purposes herein specified or intended.

APPROVED June 23, 1852.

In force Aug. 22,
1852.

AN ACT to relocate certain portions of state roads therein named.

Commissioners.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That Daniel Cosgrove, B. Benton and Iram Nye be and they are hereby appointed commissioners to relocate so much of the state road leading from La Salle to Grand De Tour as lies between said town of La Salle and the northeast corner of section seven, in Dimmick township, in La Salle county.

Commissioners.

§ 2. That Richard Stadden, Thomas Larkin and Jesse Green be and they are hereby appointed commissioners to relocate so much of the state road leading from Ottawa, in La Salle county, through Tamerack timber, Sugar Grove, to Sycamore, in De Kalb county, Genoa, Belvidere, in Kane county, to the state line, in the direction of Madison, in the state of Wisconsin, as lies between the south half of the southwest quarter and the south half the southeast quarter of section seventeen, and the whole of section twenty, in township thirty-four north, range four east, in La Salle county.

Their duties.

§ 3. The said commissioners, or a majority of them, appointed to relocate the several parts of roads in this act named, shall meet on or before the first Saturday in September next, or as soon thereafter as possible—the first set of commissioners at the Hardy house, in the town of La Salle, and the second set at the house of Richard Stadden, in the township of Dayton, in La Salle county, and take an oath before some justice peace of La Salle county well and truly to perform the duties required of them by this act.

Plat to be filed.

§ 4. When the commissioners shall have reviewed the said grounds, and shall have relocated said road, it shall be their duty to make out a plat of the road so located and lay said plat before the board of supervisors of La Salle county, as soon as practicable after the completion of the same; and the road so relocated is hereby declared the state road.

§ 5. The said plat shall be evidence hereafter in all To be recorded. courts of record in this state, and it shall be the duty of the board of supervisors of the said county to cause to be recorded the said plat and report in their office.

§ 6. It shall be the duty of the said Stadden, Larkin and Width of road. Green, the second set of commissioners, to declare what shall be the width of the said road so relocated, not to be less than fifty feet nor more than sixty-six feet, and when so declared the same shall be the width of the road, any law to the contrary notwithstanding; and all other roads, whether state or county, running in the general direction of the original road through the said parts of sections twenty, are hereby vacated.

APPROVED June 23, 1852.

AN ACT to amend the revenue law.

In force Aug. 23,
1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all of the provisions of section three of chapter eighty-nine of the Provisions of Revised Statutes, sec. 73, chap. 89. Revised Statutes, entitled "Revenue," shall be held to apply to deeds made by the auditor of public accounts, as provided by the eighty-seventh section of the same chapter.

§ 2. Deeds made by the auditor, in pursuance of the Effect of deeds. provisions of said section eighty-seven, shall be conclusive evidence that the grantee therein named is vested with all the title of the state to the lands therein described, to the extent of the purport of such deed.

§ 3. The auditor shall, upon the production of the cer- Duty of auditor. tificate of the clerk of the county court, execute deeds to the purchaser or his assigns, for all forfeited lands heretofore sold, which deeds shall be effectual to vest in the grantee in said deed all of the title of the state at the time of such sale.

APPROVED June 23, 1852.

AN ACT declaring certain lands exempt from taxation.

In force June 23-
1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That assess- Rule of assessment. sors are hereby required to take into consideration the diminution in value of lands occasioned by any public road, railroad, canal or its feeders, embankments, or earth dug or

thrown therefrom, in estimating the value of the same, and that the owners of lands thus occupied or incumbered shall only be required to pay taxes on the same, deducting the loss occasioned by said incumbrances.

§ 2. This act to be in force from and after its passage.
APPROVED June 23, 1852.

In force June 23, 1852. AN ACT to amend an act entitled "an act for the improvement of a part of the Illinois river, and for hydraulic purposes," approved and in force February 12, 1851.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That section nine (9) of the act to which this is an amendment be and the same hereby is repealed.

Repeal of sec. 9.
Amendment of sec. 13.

§ 2. The thirteenth section of the act to which this is an amendment is hereby so amended that it shall not be the duty of the board of supervisors of said county to incorporate in their warrant to the collectors of the several towns having voted the tax therein referred to, except for the taxes for the year A. D. one thousand eight hundred and fifty-two, unless the said board shall certify to said board of supervisors that such tax is necessary; and it is hereby made the duty of the clerk of said La Salle county to certify to said board of supervisors, at their meeting to correct and equalize the tax lists and issue the warrants to the several collectors for the said taxes of the year one thousand eight hundred and fifty-two, the names of the several towns having declared their willingness to submit to said tax; and the said clerk shall also prepare a column in the several assessment lists prepared for the collectors of the said towns, for the collection of said taxes of eighteen hundred and fifty-two, and annex the said tax provided for in the said section thirteen to the property in said lists before issuing the same to the collectors; and the said board of supervisors shall incorporate the same in their warrants to the said collectors, as is provided in said section thirteen; but whether the same is incorporated in the warrants or not, it shall be the duty of the persons appointed and required by law to collect the said taxes of that year to collect the tax provided in these acts, and pay the same over as required in said section thirteen. Said tax shall be collected in all respects as the state and county taxes are.

Payment for real estate.

§ 3. The said river board shall pay for the real estate in section (16) sixteen, township thirty-two (32) north, of range two (2) east, purchased of the school commissioners of said county, for the purpose of making the said improve-

ment, and held in trust for that purpose by Edwin S. Leland, and all expenses and taxes. If after four years the improvement provided for in the act to which this is an amendment shall not have been made or provided for by said board, all the property held by it shall be sold, and the proceeds, after paying expenses, distributed to the several towns having voted said tax, in proportion to the amount of tax collected of each. Should there be any surplus funds in the hands of the treasurer, the same may be invested to the best advantage by said board, for the purpose of paying taxes and expenses in future.

APPROVED June 23, 1852.

AN ACT to establish the town of Troy, in the county of Will.

In force June 23, 1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That from and after the passage of this act the town of Troy, in Will county, shall consist of the entire congressional township thirty-five north, range nine, east of the third principal meridian. This act to take effect and be force from and after its passage.

Town of Troy established.

APPROVED June 23, 1852.

AN ACT changing and fixing the time of holding courts in the ninth judicial circuit.

In force Aug. 22, 1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That hereafter the counties composing the ninth judicial circuit shall be entitled to the following terms of the circuit court annually, to wit: The county of La Salle, two terms of two weeks each; the county of Bureau, three terms of two weeks each; the counties of Kendall and Marshall, each two terms of two weeks each; the counties of Putnam and Livingston, each two terms of one week each.

Length of terms.

§ 2. The times for holding said circuit court shall be as follows, to wit: In the county of La Salle, on the third Monday of February and the first Monday of November; in the county of Livingston, on the first Monday of March and September; in the county of Kendall, on the second Monday of March and the fourth Monday of November; in the county of Bureau, on the second Monday of April, fourth

Time of holding courts.

Monday of September and second Monday of January; in the county of Marshall, on the fourth Monday of March and second Monday of October; in the county of Putnam, on the fourth Monday of April and fourth Monday in October.

Grand jury.

§ 3. In the ninth judicial circuit there shall be no regular grand jury selected at the following terms of the circuit court in the following counties, to wit: At the January term of the Bureau circuit court, and at the October term of the Putnam circuit court, and at the September term of the Livingston circuit court.

Return of writs, &c.

§ 4. All writs, subpoenas and any other process which may have been or may be issued and made returnable to the terms of courts in the said circuit heretofore required to be holden, shall be deemed and taken to be returnable to said terms of courts as required to be holden under this act, and all notices which may have been given, either of publication or otherwise, with reference to the terms heretofore required to be holden, shall, by force of this act, infer [refer] to the terms of courts so required to be held under this act.

Act repealed.

§ 5. "An act fixing the times of holding the circuit court in the ninth judicial district," in force February 17, 1851, be and the same is hereby repealed.

APPROVED June 23, 1852.

In force June 23, 1852. AN ACT to extend the time for the completion of a portion of the Central Railroad.

Extension of time.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the time for the completion of so much of the main track of the Central Railroad as lies between the city of Galena and the Mississippi river, opposite Dubuque, in the state of Iowa, be and the same is hereby extended for the term of four years, in addition to the time specified in the charter of said Central Railroad company.

APPROVED June 23, 1852.

In force Aug. 22, 1852. AN ACT entitled an act to incorporate the Northern Illinois Railroad company.

Corporators.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all such persons as shall become stockholders, agreeably to

the provisions of this act, in this corporation hereby created, shall be, and for the term of sixty years from and after the passage of this act shall continue to be, a body corporate and politic, by the name and style of "The Northern Illinois Railroad company," and by that name shall have succession for the term of years above specified; may sue and be sued, complain and defend, in any court of law or equity; may make and use a common seal, and alter the same at pleasure; may make by-laws, rules and regulations for the management of property, the regulations of its affairs and for the transfer of its stock, not inconsistent with the existing laws and constitution of this state or of the United States, and may moreover appoint such subordinate agents, officers and servants as the business of the said company may require, prescribe their duties and require bond for the faithful performance thereof.

§ 2. That Justus Bangs, Horace Burton, Joseph Filkins, Abram Reynolds, Neill Donnelly, William A. McConnell, A. H. Nixon, George Gage, E. S. Woodworth, B. W. Raymond, Lawrence S. Church, Charles McClure, Sidney Condict, Oliver W. Owen and Patrick E. Cassidy, be and are hereby appointed commissioners for the purpose of procuring subscriptions to the capital stock of said company, whose duty it shall be to open books for subscription to the capital stock of said company, giving notice of the time and place when and where said books will be opened, at least thirty days previous thereto, by publication in some newspaper published in Woodstock and Chicago. The said commissioners, or a majority of them, shall attend at the place appointed for the opening of said books, and shall continue to receive subscriptions, either personally or by such agents as they shall appoint for that purpose, until the sum of twenty thousand dollars shall have been subscribed, and as soon as said sum of twenty thousand dollars is subscribed the said commissioners shall give twenty days' notice, by publication in a newspaper published in Chicago and Woodstock, of an election by said stockholders of a board of directors as hereinafter provided, for the management of said company, at such time and place appointed for that purpose. The commissioners, or a majority of them, shall attend and act as inspectors of said election, and the stockholders present shall proceed to elect thirteen directors by ballot, and the commissioners present shall certify the result of such election, under their hands, which certificate shall be recorded in the record book of said company, and shall be sufficient evidence of the election of the directors therein named. The directors thus elected shall hold their offices for one year and until their successors are elected and qualified.

Capital stock.

§ 3. The capital stock of said company shall be one million dollars, which shall be divided into shares of one hundred dollars each, and may be increased by the directors of said company to any sum not exceeding one and a half million of dollars, if necessary to complete the works herein authorized, and the same shall be subscribed for and taken under the direction of the board of directors of said company, in such time, place and manner as the said directors shall from time to time direct. The shares in said company shall be deemed and considered as personal property.

Management of affairs.

§ 4. The affairs of said company shall be managed by a board of thirteen directors, to be chosen annually by the stockholders from among themselves. At all elections for directors each stockholder shall be entitled to one vote for each share held by him, and may vote either personally or by proxy, and a plurality of votes given at any election shall determine the choice, and no stockholder shall be allowed to vote at any election, after the first, for any stock which shall have been assigned to him within thirty days previous to such election. The directors shall hold their offices for one year after elected and until their successors are elected and qualified, and shall elect one of their number president of said board, and in case of any vacancy occurring in said board of directors between elections, the same may be filled by the board at any legal meeting of the directors, and the person so elected to fill the vacancy shall hold his office until the next annual meeting of the stockholders. In case of the absence of the president of the board the directors shall have power to elect a president *pro tempore*, who shall exercise for the time being all the legal powers of the president of said company. The said board of directors may be diminished to any number not less than nine, nor increased to any number not exceeding fifteen, by a vote of a majority of the stockholders present at any annual meeting.

Votes.

Vacancy.

Payment of subscriptions.

§ 5. It shall be lawful for the directors to make calls upon the sums subscribed to the capital stock of said company, at such time or times and in such amount as they shall deem fit, giving at least thirty days' notice of each of said calls in at least three public newspapers published in this state, and in case of failure on the part of any stockholder to make payment of any call made by said directors, for sixty days after the same shall be due, the said board of directors are hereby authorized to declare said stock so in arrears, and all sums paid thereon forfeited to said company.

Route of road.

§ 6. The said company are hereby authorized and empowered to locate, construct and complete, and maintain and operate a railroad, with a single or double track, and with such appendages as may be deemed necessary by the

directors for the convenient use of the same, from the city of Chicago, in the county of Cook, through the village of McHenry, in the county of McHenry, to the north line of the state of Illinois, in said county, and shall have power to build branches to connect said road with any railroad or railroads in either or any of the counties, or upon the line of any of the counties through which said road shall pass, and to survey and determine the line of said road upon such route as the said company shall deem most eligible; and the said company are further authorized to use and operate said railroad, and shall have power and authority to regulate the time and manner in which goods, effects and persons shall be transported on the same, and to prescribe the manner in which said railroad shall be used, and the rate of toll for the transportation of persons and property thereon, and for the storage of merchandise and other property under their charge, and shall have power to provide all necessary stock and material for the operation of said road, and shall have power to erect and maintain all necessary depots, stations, shops and other buildings and machinery for the accommodation, management and operation of said road. Tolls.

§ 7. That said company are hereby authorized, by their engineers and agents, to enter upon any lands for the purpose of making the necessary surveys and examinations of said road, and to enter upon and take and hold all lands necessary for the construction of the said railroad and branches and its appendages, first making just and reasonable compensation to the owners of said lands, for any damage that may arise to them from the building of said railroad, and in case the said company shall not be able to obtain the title to the lands through which the said road shall be laid by purchase or voluntary cession. The said company are hereby authorized to proceed to ascertain the damages sustained by such owner or owners, and determine the same in the manner and upon the principles provided by the 92d chapter of the Revised Statutes of this state, entitled "A Right of Way:" *Provided*, that after the appraisal of damages as provided in said statute, and upon deposit of the amount of such appraisal with the clerk of the circuit court of the county wherein such lands may be situated, the said company are hereby authorized to enter upon such lands for the construction of said road. Right of way.

§ 8. The said company are authorized and empowered to borrow, from time to time, such sums of money, not exceeding the capital stock of said company, as in their opinion may be deemed necessary to aid the construction of said road, and to pay any rate of interest therefor not exceeding ten per cent., and to pledge and mortgage the said road and its appendages, or any part thereof, or any other Power to borrow money.

property or effects, rights, credits or franchises of the said company, as security for any loan of money, and interest thereon, and to dispose of the bonds issued for such loans at such rate or on such terms as the board of directors may determine.

Company of High-
ways, &c.

§ 9. Said corporation shall be bound to repair all public highways, bridges and water courses which may be injured in constructing the said railroad or its appendages, and shall restore them as far as practicable to as good a condition as they were before they were injured.

Unite with other
roads.

§ 10. It shall be lawful for the said company to unite with any other railroad company which may have been or may hereafter be incorporated by this state, or the state of Wisconsin, and to grant to any such company the right to construct and use any portion of the road hereby authorized to be constructed, upon such terms as may be mutually agreed upon between said railroad companies; also the right to purchase or lease all or any part of any other railroad which is or may hereafter be constructed in this state, or the state of Wisconsin, upon such terms as may be mutually agreed between the said railroad companies.

Penalty.

§ 11. Any person who shall wilfully injure or obstruct the said road, or any of the appendages thereto, shall be deemed guilty of a misdemeanor, and shall forfeit to the use of the company a sum three-fold the amount of the damages occasioned by such injury or obstruction, to be recovered in an action of debt in the name of said company, with costs of suit, before any justice of the peace, or before any court of record in this state.

Commencement,
&c.

§ 12. The said company shall be allowed three years from the passage of this act for the commencement of the construction of said railroad, and in case the same shall not be completed in ten years thereafter, the privileges herein granted shall be forfeited.

§ 13. This act shall be deemed and taken as a public act, and shall be construed beneficially for all purposes herein specified or intended.

APPROVED June 23, 1852.

In force June 23, AN ACT to amend an act to incorporate the Okaw Bottom Plank Road company.

Rate of tolls for
foreign travel.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That said corporation be allowed to charge tolls for all foreign travel across said bottom, as follows, to wit: For every vehicle drawn by one animal, five cents; for every vehicle drawn*

by two animals, ten cents; for every vehicle drawn by more than two animals, ten cents, and five cents additional for every animal more than two; for every five head of neat cattle, sheep or swine, two cents; for every horse and rider, five cents; and for every lead horse, two cents; and that the rate of tolls to the citizens of said county shall remain the same as now allowed by law. Domestic travel.

§ This act to take effect from and after its passage.

APPROVED June 23, 1852.

AN ACT to incorporate the German Benevolent Society in the city of Galena. In force June 23, 1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Theobald Metzgar, Peter Specht, Michael Soriere, Christopher E. Sanders and George Carman, their associates and successors, be declared and constituted a body corporate and politic, by the name of "The German Benevolent Society of the City of Galena, Jo Daviess county, and state of Illinois;" and by that name they and their successors shall and may have succession, and in such corporate name shall be capable in law of contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended, in all courts and places of justice whatsoever, in all manner of action, suit, complaints, matters and causes whatsoever; and have a common seal, and alter and change the same at pleasure; and they and their associates and successors shall be capable of purchasing, holding and improving a suitable lot of ground, and erect thereon a building, of such materials and construction as they may think proper for the use of the said society, and for no other purpose; and the estate of said society, real and personal, shall not exceed the value of twenty thousand dollars, and shall be exclusively for the uses and objects contemplated by said society. Corporators. Style. General powers. Estate.

§ 2. That the officers of said society shall consist of a president, vice president, a secretary, an assistant secretary, a standing committee of not less than five members, and a treasurer. Officers.

§ 3. That the officers and members of said society shall adopt a constitution and by-laws to govern and regulate the proceedings of said society, and the qualification of its officers and members. Constitution and by-laws.

§ 4. That all contracts which may be made and entered into by said society shall be subscribed by the president, Contracts.

treasurer and secretary thereof, who shall be deemed and considered as the agents of said society for that purpose; which contract, when authorized by the president and standing committee of said society, shall be good and binding in law upon said society, and not otherwise; and to the end that said authority may appear, the said president and standing committee shall keep a separate record of all their doings in relation to all contracts made and entered into; which record shall be deemed and taken as *prima facie* evidence, in all courts and places of justice, of such authority.

Appropriation of
personal property.

§ 5. The personal effects belonging to said society shall not be appropriated otherwise than to the improvement of the real estate hereby authorized to be held, and to such charity, good feeling, and benevolent purposes, as shall be contemplated by its constitution; which appropriation shall be made under the direction of the president and standing committee.

Appropriation of
property in case
of disorganization.

§ 6. That if said society shall dissolve or disorganize, then, in that case, the lot, with the improvements thereon, and all moneys, estates, real and personal, belonging to said society, shall be appropriated for the use and benefit of a German free school, without any religious distinction whatever.

§ 7. This act shall take effect from and after its passage, and may be altered, repealed or modified, whenever the public good may require.

APPROVED June 23, 1852.

In force June 23,
1852.

AN ACT to relocate a part of a state road therein named.

Commissioners.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That William Jackson, H. B. Keen, and S. E. McCord, be and they are hereby appointed commissioners to review and relocate so much of the Atlas and Carrollton state road as lies between the town of Atlas, according to the town plat of said town, and the southeast corner of section one, in township seven south, and range five west, in Pike county.

Duties.

§ 2. Said commissioners, or any two of them, shall, at any convenient time after the passage of this act, proceed to review, relocate and open said road, and cause a plat of the same to be made and recorded in the county clerk's office of said county; after which said road shall be deemed and used as a public highway the same as other state roads.

§ 3. This is a public act, and shall take effect from and after its passage.

APPROVED June 23, 1852.

AN ACT to provide for the incorporation of transportation companies. Enacted June 23, 1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That any number of persons, not less than ten, desiring to engage in the business of building boats, and transporting persons and property thereon, may associate together and become incorporated in the manner and upon the conditions following:

§ 2. Such persons, under their hands and seals, shall make certificate of their agreement to associate together as aforesaid, which shall specify, first, the name assumed to distinguish such association, and to be used in its dealings; second, the place where the office of the association is to be kept, and its business transacted; third, the amount of capital stock and the number of shares into which it shall be divided; fourth, the names and residences of the persons composing the association, and the amount of stock held by each; fifth, the period at which the association shall commence and terminate; the execution of which certificate shall be acknowledged before some judge, notary public, clerk of a court of record, or justice of the peace, and then be filed with the secretary of state for safe keeping, and for the use and information of all who may become interested.

§ 3. Upon the filing of any certificate, signed and acknowledged as aforesaid, the secretary of state shall make and deliver to the parties filing the same a certificate, under the seal of his office, in substance as follows:

“State of Illinois, Office of the Secretary of State.

“Be it known, that on this day (A. B. &c., inserting the name at length,) has filed in this office a certificate of their desire to become incorporated under the provisions of the act of the general assembly entitled “an act to provide for the incorporation of transportation companies,” in the words following: (here copy the certificate;) which said certificate, having been executed and acknowledged, as required by the said act, the said parties are hereby declared to be incorporated, according to the provisions thereof.

“Given under my hand and seal of office, this — day of —, 18—.”

Which certificate the secretary shall record in a book to be provided and kept for that purpose, and the same, or a certified copy thereof, shall be evidence of the facts therein stated.

§ 4. Upon the recording of the certificate aforesaid, by the secretary of state, the persons so associated shall be a body corporate and politic, by the name assumed in their certificate, and by such name shall be capable of suing and being sued, pleading and being impleaded, contracting and being contracted with, of making and using a corporate

seal, and of transacting the business of the association as a natural person.

Officers.

§ 5. The officers of each association formed under the provisions of this act, by whom the business shall be conducted and the powers conferred exercised, shall be a president, secretary, and not more than nine nor less than five directors, including the president.

Members.

§ 6. The persons associated as aforesaid may agree in their articles of association upon the time, place and manner of electing the officers, and also upon the number of votes which the owner of any given number of shares shall be entitled to; but in case no such agreement is made, the elections shall be held annually at the office or place of business of the association, and each owner of shares, not exceeding in amount ten thousand dollars, shall be entitled to one vote for each of such shares, and to one vote for every two shares of excess over ten thousand and not exceeding twenty thousand dollars, and for every ten thousand dollars exceeding the said twenty the owner shall be entitled to two votes. The said shares of stock shall be personal property, and assignable in such manner and upon such conditions as may be prescribed by the directory.

Directors.

§ 7. Immediately after the first and every subsequent election of directors, the persons elected shall meet and appoint one of their number president, and appoint a secretary, a certificate of which appointments, signed by the president and secretary, with the seal of the corporation affixed thereto, shall be transmitted to the secretary of state, and filed with original certificate of association, copies of which, certified by the secretary of state, under his seal of office, shall be conclusive evidence of the facts therein stated.

Business.

§ 8. The business of associations incorporated under the provisions of this act, shall be directed and transacted by the president and directors elected and appointed as aforesaid; and the power is hereby conferred upon them to adopt, alter and amend by-laws and rules and regulations for their own government as well as for that of all persons in their service, and with reference to the transaction of the business of the association; also to make all contracts and employ all agents and servants; to regulate the speed of boats, fix the rate of transportation for persons and property, and to do all other acts necessary to the execution of the powers given to the association: *Provided*, that no by-law, rule or regulation shall be adopted contrary to the constitution and laws of the United States or of this state.

Powers.

§ 9. Every association, formed as aforesaid, shall be vested with power—first, to engage in and carry on the business of building and equipping steamboats, or other vessels or crafts propelled in whole or in part by the power of steam

or sails; second, in the making of engines and all other machinery and apparatus necessary to the safe and convenient use of such boats, vessels or crafts; third, in the transportation of persons and property, or either, upon such boats, vessels or crafts; fourth, in the erection or construction of docks or places in which to place boats or other vessels for being repaired, and in repairing the same; fifth, in making wharfs or stationary boats, for the purpose of receiving and discharging freight, and of taking care of and protecting the same; also, in building wharfs on the shores of rivers and lakes, and keeping the same in repair; sixth, to have and hold such lots of real estate, with such improvements, furnaces, machinery and apparatus, as may be necessary to the convenient and economical transaction of the business of the association.

§ 10. Every association, formed as aforesaid, shall, under the direction of the directory thereof, keep regular accounts of all receipts and disbursements, and the secretary shall keep a regular record of the proceedings and action of the board of directors; which accounts and record shall be subject to the inspection and examination of the members of the association, at any regular or special meeting, or of any committee appointed to examine the same. Accounts.

§ 11. All the accounts of each association shall be made up and balanced annually, and the profits arising from the business of the association shall be divided among the members, in proportion to the amount paid upon such share of stock: *Provided*, that any association may state the accounts as aforesaid, and divide the profits semi-annually. Dividends.

§ 12. The president shall be the financial agent of such association, and, as such, receive and disburse the funds thereof: *Provided, however*, that any association may provide for the appointment of a treasurer, to keep the cash accounts and receive and disburse the funds. Financial agent. Proviso.

§ 13. Every member of any association shall be bound to pay the amount subscribed as stock, at such time and in such sums as may be required by the directors thereof; and a failure to pay any sum or instalment as required shall operate as a forfeiture to the association of all previous payments, and the party in default shall, moreover, be liable to pay any balance that may be due on his, her or their subscription, to be recovered in an action of assumpsit before any court having jurisdiction of the amount claimed. Payment of subscriptions.

§ 14. All boats and vessels used by associations incorporated under the provisions of this act, for the transportation of persons, shall be so constructed as to accommodate passengers of any description with rooms and berths, separated from the rooms and berths occupied by the officers and laborers employed in the navigation thereof; and any boat or vessel, used as aforesaid, shall be supplied with a suf- Construction of boats.

ficient number of skillful, sober engineers, pilots and hands, to manage the same with safety.

Gunpowder, &c. § 15. Neither gunpowder, or any article or material liable to spontaneous combustion, shall be transported by any association in any vessel propelled by steam, unless the same be placed in air-tight boxes, made of sheet iron, zinc, tin or other suitable material, so that fire falling on or coming in contact with such boxes, will not readily or immediately communicate with the contents thereof.

Regulations. § 16. Boats and vessels used by associations formed under the provisions of this act, shall be subject to and regulated by the laws of the United States, so far as applicable to the same.

Racing prohibited. § 17. No boat used by any such association shall be permitted to run any race with or against any other boat, nor to make any trial of speed with any other, for the purpose of deciding which boat can be made to reach any port or place before the other, or of deciding which can be made to run from any port or place to any other in the least time; nor shall any such boat be permitted to be run from any port or place to any other for the purpose of ascertaining whether or not the trip can be made in any given time, or of ascertaining the shortest time required to make such trip; and for any violation of the provisions of this section, the person or persons having charge of the boat shall be subject to indictment, and upon conviction, to a fine not exceeding one thousand dollars; and the judgment of the court shall be that the party shall stand committed to the jail until the fine and costs are paid.

Creditors. § 18. All the property, rights, credits and effects of every association formed under the provisions of this act, shall be held in trust for the use of creditors; and all conveyances, transfers and assignments, made with intent to secure the payment of any one or more creditors, in preference to others, as well as all sales of any part of the means aforesaid, with such intent, shall be void in respect to all other creditors.

Liability. § 19. The individuals comprising every association formed under the provisions of this act, shall be liable to creditors for all sums due on account of stock or otherwise, subject to recovery by suit in chancery, or by proceedings against them as garnishees, and no transfer or assignment of stock shall be made so as to change or affect any liability existing at the date thereof.

Penalty. § 20. Any violation of any of the provisions of this act, or failure to comply with and conform to the same, shall subject the association to indictment by the corporate name, and upon conviction the judgment of the court shall be that the corporate powers of the association shall be and stand revoked, and that all the property, rights, credits and

effects owned by the corporation, shall vest in the people of the state of Illinois, subject to be disposed of under orders of the court to be made in said cause.

§ 21. In every case of conviction and judgment under the foregoing section, the court shall appoint one or more trustees to take charge of the property, rights, credits and effects of the corporation, and vest such trustee or trustees with power to convert the same into money, upon such terms as may be deemed reasonable, and to appropriate the same—first, in paying the expense of and allowances to trustees; second, in paying the cost of the prosecution against the corporation; third, in paying the debts and claims against the corporation; and the balance to be divided among the stock or shareholders, in proportion to the amount paid on the shares; but in case the costs, expenses, debts and claims against the corporation exceed the amount of the trust funds aforesaid, then such debts and claims shall be paid, after deducting the costs and expenses, *pro rata*, or in proportion to the amount due to each.

§ 22. No such association shall issue or make any promissory note, due bill, certificate of deposit, bill of exchange, order or draft, or any other instrument to pass or circulate in lieu of money, or bank notes, or bills, or as a substitute for money, bank bills or notes.

This act shall take effect on its passage.

APPROVED June 23, 1852.

AN ACT to amend an act entitled “an act to reduce the laws incorporating the city of Chicago, and the several acts amendatory thereof, into one act, and to amend the same,” and to amend an act to charter the city of Peru.

In force June 23-
1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That so much of the thirteenth division of the fourth section of the fourth chapter of the act entitled “an act to amend an act to reduce the law incorporating the city of Chicago, and the several acts amendatory thereof, into one act, and to amend the same,” approved February fourteenth, eighteen hundred and fifty-one, as authorizes the issuing or granting of licenses for the sale of wines or other liquors, ardent, vinous or fermented, at retail, and all and every other section or part of said herein named and recited act as authorizes the issuing or granting of licenses for the sale of wines or other liquors, ardent, vinous or fermented, at retail, in less quantities than one quart, be and the same is and are hereby repealed.

§ 2. That so much of section one, article fifth, of an act entitled “an act to charter the city of Peru,” approved Feb-

Chicago.

Peru.

ruary thirteenth, eighteen hundred and fifty-one, as authorizes the city council to license, tax and regulate grocers, taverns, tippling houses and dram shops, and all and every other section or part of section of said act as authorizes the issuing or granting licenses for the sale of spirituous liquors, be and the same are hereby repealed.

APPROVED June 23, 1852.

In force June 23, 1852. AN ACT granting ferry privileges and right of way to the Burlington and Warren Plank Road company.

Ferry privilege granted. SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the Burlington and Warren Plank Road company, organized in Henderson county, Illinois, April 19th, 1852, be allowed and they are hereby authorized to establish and keep a ferry across the Mississippi river, from the western terminus of their plank road, to the city of Burlington, Iowa, with the exclusive privilege of conveying across said river all persons, their teams, horses, cattle and other animals, merchandise, &c., &c., that may have occasion to use their said road, and that they be allowed to demand and receive toll therefor according to the regulations of the county court of said Henderson county.

Act of county court legalized. § 2. *Be it further enacted,* the act of the county court in granting the right of way to said company be hereby legalized and confirmed.

APPROVED June 23, 1852.

In force June 23, 1852. AN ACT to incorporate the Rockford Cemetery Association.

Corporators. SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That George Haskell, Anson S. Miller, Charles J. Horsman, Harry N. Spalding and John Fisher, and their associates and successors, be and they are hereby created a body corporate and politic, by the name and style of "The Rockford Cemetery Association," located in Rockford, west of Rock river; and by that name and style to have perpetual succession, and all the powers, rights, liabilities and immunities incident to a corporate body.

Style. General powers.

Officers. § 2. The officers of said association shall be five directors, and such other officers as by this act may be authorized

or created, each of whom shall be the owner of one or more lots in the cemetery of said association. Said directors, or a majority of them, in all cases, shall constitute a board for the transaction of all business and the management of all the property of said association, and shall be elected, by ballot, on the first Monday in April, biennially, and shall hold their office until their successors are elected.

Their qualifications.

Board, &c.

Term.

§ 3. Said board of directors shall choose from their own number a president and treasurer, and shall appoint from the members of said association a secretary, sexton, and such other officers as the interests of said association may require. A bond, with security, shall be taken by said board from said treasurer for the faithful discharge of the duties of his office.

President and treasurer.

Secretary, sexton, &c.

Bond.

§ 4. At all elections of said association two of said directors shall act as judges, and the secretary of the board as chief clerk thereof; and said clerk shall, within ten days after each election, give to the persons chosen a certificate of their election. Said board may, on giving ten days' public notice thereof, hold a special election for filling the vacancy or vacancies occasioned by the death, resignation or removal of any of said directors.

Judges of election.

Vacancies.

§ 5. Every person having title to one or more lots in said cemetery shall be a member of said association, and entitled to one vote only. Absent members shall have power to vote by proxy, authorized by writing, first filed with the secretary of said board.

Voters.

§ 6. Said board of directors shall have power to purchase, receive by grant or otherwise, and hold lands, not exceeding fifty acres, for a cemetery, and to survey and lay out the same into lots, suitable for the burial of the dead; also, to sell and convey the same by certificate of purchase, signed and acknowledged by the president and attested by the secretary, as hereinafter provided; and the purchasers thereof, their heirs and assigns, shall use their said lots for burial purposes only.

Real estate.

§ 7. The proceeds arising from the sale of said lots shall be applied by said directors in enclosing, protecting and ornamenting said cemetery, and in making such improvements thereon as said directors shall deem necessary or appropriate; and said board of directors shall have power to establish and change by-laws, prescribe rules and regulations for the appointment, term of office, duties and fees of their officers, the government of the association, and the general supervision and control of its property. Said board may, for cause, remove any of the officers of its appointment.

Application of proceeds.

Power of directors.

§ 8. Said board of directors shall have power to sell and convey or otherwise dispose of the cemetery grounds heretofore occupied by the Rockford Cemetery Association, sit-

Sale of old cemetery.

uated on the town plat of Rockford west; and the proceeds of the sale or other disposition of said grounds shall be expended by the said directors in the purchase of others, for cemetery purposes, and for improving the same. Said grounds, so purchased, shall be exempt from taxation, attachment and execution.

Seal.

§ 9. Said association shall have a corporate seal, with such device and inscription thereon as may be determined by said board of directors. All deeds and other writings made or issued by said association shall be signed by the president, attested by the secretary, and sealed with said corporate sale.

Records.

§ 10. Said board of directors shall cause to be kept and preserved in a book or books provided by them for that purpose, a full and complete record of all their meetings, orders, purchases and sales of property, with the names of parties thereto; also, a complete register of the burials in said cemetery, with names and ages of the dead; which book of record shall at all times be open for the inspection of the members of the association, and under the control of said board of directors.

Right of property.

§ 11. The right of property to any lot or lots in said cemetery shall be vested in the purchaser by certificate of purchase, signed by the president, and attested by the secretary, and sealed as hereinbefore provided; which certificate shall be recorded by the secretary; and every transfer of such certificate shall be made by surrendering the same to the secretary, who shall thereupon issue a new certificate to the assignee and cancel the former. No person shall hold title to more than two lots.

Plat.

§ 12. A plat of said cemetery shall be made by the county surveyor of Winnebago county, under the direction of said board, and attested by said surveyor, and subscribed and acknowledged by the president of said board before any officer authorized to take acknowledgments of deeds, and when so attested and acknowledged shall be recorded in the recorder's office of said county, and such recording shall give to the record all the force, effect and virtue that is by law given to records of town plats.

Directors for first year.

§ 13. The said George Haskell, Anson S. Miller, Charles O. Horsman, Harry N. Spaulding and John Fisher are hereby constituted said board of directors for the first year, and to hold their offices until the first Monday of April next, and until their successors are elected; and at their first meeting after the passage of this act they shall appoint a secretary, to hold for the like time.

§ 14. This shall be considered a public act, and be in force from and after its passage.

APPROVED June 23, 1852.

AN ACT in aid of the Spoon River Navigation company.

In force June 23,
1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the Spoon River Navigation company, by their president and directors, in addition to the rights and privileges conferred and possessed by their present existing charter, be and they are hereby authorized to borrow money for the purpose of aiding them in the prosecution of their contemplated work, and to secure the payment thereof by the bonds of the company, note, mortgage or otherwise: *Provided,* the said company shall not issue the bonds of the company for a larger amount, at any one time, than the amount of their capital stock actually paid in, and shall not pay an interest upon any such loan of over ten per cent. per annum.

Power to borrow
money.

§ 2. The stock, property and effects of said company shall be liable for the debts of said company, and any payment, assignment or transfer of said property by said company, to any one or more of its creditors, for the purpose of preferring one or more to the whole of their creditors, shall be null and void as against the other creditors of said company.

Lien on property.

This act to be in force from and after its passage.

APPROVED June 23, 1852.

AN ACT to incorporate the Joliet and Terre Haute Railroad company.

In force June 23,
1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Henry Troup, Nathaniel Wilson, Peter Stewart, Franklin Mitchell, John W. Chapman, William Smith, George Woodruff, Josiah McRoberts, G. D. A. Parks, W. C. Wood, John Curry, George W. Cassedy, Hamilton D. Risley and George Dillman, and their associates, successors and assigns, are hereby created a body corporate and politic, under the name and style of "The Joliet and Terre Haute Railroad company," and by that name be and they are hereby made capable in law and in equity to sue and be sued, plead and be impleaded, defend and be defended, in any court of law and equity in this state, or in any other place; to make, have and use a common seal, and the same to renew and alter at pleasure, and shall be and are hereby vested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act as hereinafter set forth. And the said company are hereby authorized and empowered to locate, construct

Corporators.

Style.

General powers.

Objects.

and finally complete a railroad from Joliet, in Will county, in the direction of the city of Terre Haute, in the state of Indiana, by the most direct and eligible route to the east line of the state of Illinois; and for this purpose said company are authorized, upon the most eligible and direct route, to lay out their said railroad, wide enough for a single or double track, through the whole length; and for the purpose of cutting embankments, stone and gravel, may take as much more land as may be necessary for the proper construction and security of said railroad.

Capital stock.

§ 2. The capital stock of said company shall consist of one million of dollars, and may be increased to two million of dollars, to be divided into shares of one hundred dollars each. The immediate government and direction of said company shall be vested in seven directors, who shall be chosen by the stockholders of said company, in the manner hereinafter provided, who shall hold their offices for one year after election and until others shall be duly elected and qualified to take their places as directors; and the said directors (a majority of whom shall form a quorum for the transaction of business,) shall elect one of their number to be the president of the company; that said board of directors shall have power to appoint all necessary clerks, secretary and other officers necessary in the transaction of the business of said company.

Directors and officers.

Surveyors, &c.

§ 3. The said corporation is hereby authorized, by their agents, surveyors and engineers, to cause such examination and surveys to be made of the ground and country between the said town of Joliet and the said east line of the state of Illinois, as shall be necessary to determine the most advantageous route for the proper line or course whereon to construct the said railroad; and it shall be lawful for said company to enter upon and take possession of and use all such lands and real estate as may be necessary for the construction and maintenance of their said railroad, depots, houses and other appendages: *Provided*, that all lands or real estate entered upon and taken possession of and used by said corporation, for the purposes and accommodations of said railroad, or upon which the site for said railroad shall have been located or determined by the said corporation, shall be paid for by said company in damages, if any be sustained by the owner or owners thereof, by the use of the same for the purposes of said railroad, and all lands entered upon and taken for use of said corporation, which are not donated to said company, shall be paid for by said corporation at such price as may be mutually agreed upon by the said corporation and the owner or owners of such land, and in case of disagreement the price shall be estimated, fixed and recovered in the manner provided for taking lands for the construction of public roads, canals or

Proviso.

other public works, as prescribed by the act concerning right of way, approved March 3, 1845.

§ 4. If any person shall wilfully, maliciously or wantonly, and contrary to law, obstruct the passage of any car on said railroad, or any part thereof, or anything belonging thereto, or shall damage, break or destroy any part of the said railroad, or implements, or buildings, he, she or they, or any person assisting, shall forfeit and pay to said company, for every such offence, treble the amount of damages that shall be proved, before any competent court, shall have been sustained, and be sued for in the name and behalf of said company, and such offender or offenders shall be deemed guilty of a misdemeanor, and shall be liable to an indictment in the same manner as other indictments are found in any county or counties where such offence shall have been committed; and upon conviction every such offender shall be liable to a fine not exceeding five thousand dollars, for the use of the county where such indictment may be found.

§ 5. The time of holding the annual meeting of said company for the election of directors shall be fixed and determined by the by-laws of said company; and at all meetings each stockholder shall be entitled to a vote in person or lawful proxy, one vote for each share of stock he, she or they may hold *bona fide* in said company.

§ 6. The persons named in the first section of this act are hereby appointed commissioners, who, or a majority of whom, are hereby authorized to open subscription books for said stock, at such places as they may deem proper, and shall keep said books open until the whole of said capital stock shall be taken. Said commissioners shall require each subscriber to pay five dollars on each share subscribed at the time of subscribing. The said commissioners shall call a meeting of the stockholders, by giving thirty days' notice in some newspaper printed in the county of Will, and at such meeting it shall be lawful to elect the directors of said company, and when the directors of said company are chosen the said commissioners shall deliver said subscription books, with all sums of money received by them as commissioners, to said directors. No person shall be a director in said company unless he shall own at least five shares of the capital stock.

§ 7. That the right of way and the real estate purchased for the right of way by said company, whether by mutual agreement or otherwise, or which shall become the property of the company by operation of law as in this act provided, shall, upon the payment of the amount of money belonging to the owner or owners of said lands as a compensation for the same, become the property of said company in fee simple.

1852s. &c.

§ 8. The said corporation may take and transport upon said railroad any person or persons, merchandise or other property, by the force and power of steam or animal, or any combination of them, and may fix, establish, take and receive such rates of toll for all passengers and property transported upon the same as the said directors shall from time to time establish; and the directors are hereby authorized and empowered to make all necessary rules, by-laws, regulations and ordinances that they may deem necessary and expedient to accomplish the designs and purposes and to carry into effect the provisions of this act, and for the transfer and assignment of its stock, which is hereby declared personal property, and transferable in such manner as shall be provided by the by-laws and ordinances of said company.

Additional stock.

§ 9. The directors of said company, after the same is organized, shall have power to open books in the manner prescribed in the sixth section of this act, to fill up the additional one million dollars of stock, or any part thereof, at such times as they may deem it for the interest of said company; and all instalments required to be paid on the stock originally to be taken, and what may be taken to increase said capital, shall be paid at such times and in such sums as said directors may prescribe.

Vacancies.

§ 10. In case of the death, resignation or removal of the president, vice president or any director, at any time between the annual elections, such vacancy may be filled for the remainder of the year, whenever they may happen, by the board of directors; and in case of absence of the president and vice president the board of directors shall have power to appoint a president *pro tem.* who shall have and exercise such powers and functions as the by-laws of the said corporation may provide. In case it should at any time happen that an election shall not be made on any day on which in pursuance of this act it ought to be made, the said corporation shall not for that cause be deemed dissolved, but such election shall be held at any other time directed by the by-laws of said corporation.

Proceeding to obtain right of way.

§ 11. That when the lands of any *femmes covert*, persons under age, *non compos mentis*, or out of the state, shall be taken in the construction of said railroad, as is provided by this act, the said corporation shall pay the amount that shall be awarded as due to the said last mentioned owners, respectively, whenever the same shall be lawfully demanded, together with six per cent. per annum. That to ascertain the amount to be paid to the persons named in this section, for land taken for the use of said corporation, it shall be the duty of the governor of this state, upon notice given to him by the said corporation, to appoint three commissioners, to be persons not interested in the matter, to

be determined by them, to determine the damages which the owner or owners of the land or real estate so entered upon by the said corporation has or have sustained by the occupation of the same; and it shall be the duty of said commissioners, or a majority of them, to deliver to said corporation a written statement of the award or awards they shall make, with a description of the land or real estate appraised, to be recorded by the said corporation in the clerk's office of the county in which the land or real estate so appraised shall be; and the said corporation shall be deemed to be seized and possessed of the fee simple of all such lands or real estate as shall have been appraised by the said commissioners.

§ 12. Whenever it shall be necessary for the construction of said railroad to intersect or cross a track of any other railroad or any stream of water or water course, or road or highway, lying on the route of said road, it shall be lawful for the company to construct their railroad across or upon same: *Provided*, that the said company shall restore the railroad, stream of water, water course, road or highway intersected or crossed, to its former state, or in a sufficient manner not materially to impair its usefulness. Intersections, &c. .
Proviso.

§ 13. Said company shall have the power to unite its railroad with any other railroad now constructed, or which may hereafter be constructed, either in this state or the state of Indiana, upon such terms as may be mutually agreed upon between the companies so connecting; and for that purpose, full power is hereby given to said company to make and execute such contracts with any other company as will secure the objects of said connection. Union with other roads.

§ 14. Said company is hereby authorized, from time to time, to borrow such sum or sums of money as may be necessary for completing and finishing or operating their said railroad, and to issue and dispose of their bonds in denominations of not less than five hundred dollars, for any amount so borrowed, and to mortgage their corporate property and franchises, or convey the same by deed of trust, to secure the payment of any debt contracted by said company for the purposes aforesaid; and the directors of said company may confer on any bond-holder of any bond issued for money borrowed as aforesaid the right to convert the principal due or owing thereon into stock of said company, at any time not exceeding ten years from the date of the bond, under such regulations as the directors of said company may see fit to adopt. Power to borrow money.

§ 15. The width of said railroad is to be determined by the said corporation within the limits prescribed by the first section of this act. Width of road.

§ 16. Said road shall be located and constructed by way of Wilmington, in Will county, and Middleport, in Iro- Route.

quois county, Danville, in Vermilion county, and Paris, in Edgar county, and may, if the directors so elect, be run to the east line of the state, in the direction of the city of La Fayette, and also of the city of Terre Haute and Fort Wayne, in Indiana.

Extension. § 17. Said company shall have power also to extend said road from Joliet to Oswego, in Kendall county.

Connections, &c. § 18. Said corporation may, if deemed proper, connect with the Wabash Valley Railroad, running from Vincennes northward, upon such terms as may be agreed upon between said corporations. That the Joliet and Terre Haute Railroad company are hereby prohibited from constructing or running their said road, or any branch thereof, to the Illinois state line, or connecting with any road to said state line, north or east of the town of Lafayette, in the state of Indiana.

APPROVED June 23, 1852.

Force when approved by a majority of the legal voters of Thebes.

AN ACT to incorporate the town of Thebes, Alexander county.

Corporators.

Style.

General powers.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the resident inhabitants of the town of Thebes, in Alexander county, are hereby constituted a body politic and corporate, to be known by the name of "The president and trustees of the town of Thebes," and by that name shall be known in law, and have perpetual succession; may sue and be sued, plead and be impleaded, defend and be defended, in courts of law and equity, and in all actions and matters whatever; may grant, purchase, receive and hold real and personal property within the limits of said town, and no other, burial grounds excepted, and may lease, sell and dispose of the same for the benefit of the town, and may have power to lease any of the reserved lands which have been or may be appropriated to the use of said town; and may do all other acts as natural persons, which may be necessary to carry out the powers hereby granted; and may have a common seal, and alter the same at pleasure.

City limits.

§ 2. That all of those tracts of lands embraced within the following boundaries, to wit, beginning at the southwest corner of Sycamore street, at low water mark; thence north to the middle of Walnut street, at low water mark; thence east, along the middle of said street, to the N. E. corner of Fourth street; thence along the east line of said street to the southeast corner of said street; and from thence to the place of beginning, as will more fully appear by a plat,

on record, of Freeman's addition to Thebes; also, in the original town of Thebes, commencing in the middle of Walnut street, at low water mark; running thence north to the northwest corner of Oak street; running from thence east to the boundary of said survey, including block 7; thence south to the middle of Walnut street; from thence to the place of beginning; all of which will more fully appear by reference to the original plat of said town; also, James L. Brown and Co.'s addition, beginning at low water mark at the northwest corner of Oak street; running thence north to the northwest corner of Poplar street; running thence east to block No. 7, including Eighth street; thence south to Oak street; and from thence to the place of beginning, as will more fully appear by reference to the plat of said addition to the town of Thebes. And it is further allowed that the said president and trustees may hereafter include within the limits of said corporation all other additions to said town, on petition of a majority of the inhabitants interested therein.

§ 3. The corporate powers and duties of said town shall be vested in a president and three trustees, who shall constitute a board for the transaction of business, and who shall serve without compensation. Corporate powers, how vested.

§ 4. And the qualified electors of said town shall annually elect a president of said town, who shall be president of the board of trustees; and the qualified electors [shall] elect a treasurer, who shall be *ex officio* assessor, and one constable, who shall be *ex officio* collector. Such treasurer and constable to receive such compensation and in the manner as is provided by law for constables and county treasurers and assessors and collectors of the county and state revenue for similar services. Annual elections. Officers.

§ 5. The president and members composing the board of trustees shall be elected annually, on the first Monday of April, except the first election, which shall be as soon as the nature of the case may admit of, by giving the necessary notice, to serve until others be legally qualified; they shall be at least 21 years of age, shall have the requisite qualification to vote for state officers, shall have resided one year in said town, and the trustees shall at the time of their election be residents of said town. The treasurer and constable shall in like manner be at the time of their election qualified to vote for state officers, shall have resided at least six months within said corporation, and shall be elected annually at the same time and hold their offices respectively for the same term as the president and trustees. All persons qualified to vote for state officers and being at the time actual residents within said corporation, shall be qualified to vote for officers of the same. Time of elections. Qualifications.

Bonds.

§ 6. The treasurer and constable shall, at the first regular meeting of the board of trustees for the transaction of business after their election, or sooner, respectively give bonds, with one or more sureties, to be approved by said board, in a penalty of at least five hundred dollars, conditioned for the faithful discharge of the duties of their respective offices, and on failure thereof the said office shall be deemed vacant; and the said board of trustees shall immediately order a new election to fill such vacancy, of which the requisite notice shall be given.

Notice of town meetings.

§ 7. It shall be the duty of the board of trustees, in such manner as they may provide, to give notice of all town meetings and special elections to be held under the provisions of this act, by publishing notice thereof at least one week prior thereto in some public newspaper printed in said town, or if there shall be no such paper then by posting thereof in like manner in three of the most public places in said town; which notices shall state the time, place and object of such meeting or election.

Clerk, and other officers.

§ 8. The board of trustees shall appoint a clerk of their board, a town surveyor, and one or more street commissioners, as may seem requisite, and provide for their compensation; they shall be judges of the qualifications, returns and election of their members, and of all other officers of the town; they shall have power to fill all vacancies in the board, occasioned by death, resignation or six months' absence of any member thereof; a majority shall constitute a board to do business, but a smaller board may adjourn from day to day, may compel the attendance of absent members, and under such penalties as the board may provide; they may determine their rules of proceedings, and make such other rules and regulations for their government as they may deem expedient.

Vacancies.

Special meetings.

§ 9. The president of the board of trustees shall have full power to call special meetings of the board whenever in his opinion the public good shall require it; he shall have concurrent civil and criminal jurisdiction with justices of the peace, under the provisions of this act, within the limits of the corporation, and shall receive the same compensation for his services.

Jurisdiction of president.

Board of election.

§ 10. The three trustees in said town, with a clerk to be appointed by them, shall constitute a board of election; one of the trustees shall also act as a clerk of the said election, who shall be sworn by one of the trustees, before entering upon such office, faithfully to perform the duties of the same; and the said trustees shall in like manner, before entering upon their aforesaid duties, be sworn faithfully to discharge their duties as officers of such election; such oath to be administered by a justice of the peace; at the close of which the said officers shall compare the poll books and cer-

Oath.

tify the result as found by them, and shall seal up and return such certificate and one of said poll books to the board of trustees of said corporation, at its next regular meeting; and the other poll books shall be retained by one of said officers of election, to be determined by said board.

§ 11. The board of trustees shall hold a regular meeting to determine and decide upon elections the first Monday following every general or special election, and they shall also meet regularly for the transaction of other business on the first Monday of April, July, October and January each year.

§ 12. The board of trustees shall have power to levy and collect taxes for general purposes annually upon all real and personal estate within said town, to the amount of fifty cents on the one hundred dollars upon the assessed value thereof; to make regulations to secure the general health of the inhabitants; to prevent and remove nuisances; to restrain horses, cattle, sheep, dogs and dogs from running at large; to erect and keep in repair bridges; to license and regulate auctions, taverns, theatrical and other shows, and billiard tables and other amusements; to restrain and prohibit gambling houses and other disorderly houses; to prevent the shooting of fire arms within the limits of the corporation; to establish and erect markets; to open and keep in repair streets and avenues, lanes and alleys, drains and sewers; to establish and regulate a fire department; to provide for the prevention and extinguishment of fires; to dig wells and erect pumps in the streets for the convenience of the inhabitants; to regulate storage of gunpowder and other combustible materials; and, from time to time, pass such ordinances to carry into effect the provisions of this act and the powers hereby granted as the good of the inhabitants may require; and may impose appropriate fines and forfeitures for the breach of any ordinance, and provide for the collection thereof. The president of the board of trustees, or any justice of the peace within said corporation, shall have jurisdiction to hear and determine all cases arising under or growing out of the by-laws and ordinances made in pursuance of this act of incorporation; and appeals may be taken and writs of *certiorari* allowed from such decisions in the manner that now is or hereafter may be provided by law for appealing from decisions of justices of the peace.

§ 13. Upon the application of the owners of two-thirds of the real estate upon any street, or in any block or blocks or half blocks, it shall be lawful for the board of trustees to pass an ordinance requiring the owners of the lots bounded upon such street, or situated in such block, blocks, or half blocks, to construct a side walk in front of their respective lots, in such manner, of such materials and within such time as shall be specified in such ordinance, and the said

Proviso.

Further proviso.

Streets, &c.

Damage.

Proviso.

Neglect to pay
taxes.

board may provide in such ordinance for the payment to the owner of such real estate, upon completion of such walk, of any sum not exceeding one-fourth the cost thereof, to be estimated and specified in such ordinance: *And provided further*, that the owners of real estate shall in all cases bear at least three-fourths the expense of constructing side walks in front of their premises: *And provided further*, that if any person shall fail to construct a side walk in front of his premises, in the manner and within the time specified in such ordinance, the board of trustees shall order the collecting officer of said corporation to collect from such delinquent a sum of money equal to the cost of such side walk, to be estimated and specified in such ordinance.

§ 14. The board of trustees shall have power to regulate, grade, pave and improve the streets, avenues, lanes and alleys within the limits of said town, and to extend, open, widen, narrow or abrogate any such street, on the petition of two-thirds of the property holders on each side of the street so proposed to be altered or abrogated, making the person or persons injured thereby adequate compensation, to ascertain which the board shall cause to be summoned twelve good and lawful men, (freeholders,) inhabitants of said town, not directly interested, who being first duly sworn for that purpose, shall inquire into and take into consideration as well the benefits as the injuries that may accrue, and estimate and assess the damages which would be sustained by any such persons by the proposed alteration; all of which shall be certified by such appraisers to the board of trustees, who shall cause all damages assessed to be paid by the persons making application for said change, before making any such change or alteration: *Provided*, that the persons who may be injured, or who may claim damages therefor, shall have ten days' notice of the time and place of making such appraisal, and that they may appeal from such decision to the circuit court of the county, by filing bond in a penalty of fifty dollars, to cover costs, with the clerk, within two days after he shall be notified of the decision of such appraisers, conditioned to pay all costs that may be adjudged against him on such appeal.

§ 15. That whenever the owners of any lot or piece of ground, within the limits of said corporation, shall neglect or refuse to pay the tax or taxes levied on the same when they may become due, it shall be the duty of the trustees to advertise the same for non-payment, either in a newspaper printed in said town, or by posting in three of the most public places in said town, for the space of sixty days, and on further failure of payment thereof and costs, to sell at the expiration of sixty days, at public sale, said lots or pieces of ground, to pay said taxes and the costs and expenses of collection.

§ 16. All ordinances shall, within ten days after their passage, be published either in a newspaper, if one is printed in the town, or by posting in three of the most public places in said town. Publication of ordinances.

§ 17. When any real estate in said town shall be sold for non-payment of taxes, by authority of said corporation, said lands may be redeemed in the time that other lands sold for county or state taxes are redeemed, by virtue of the laws of this state, upon paying the treasurer of the board, for the use of the purchaser, double the amount of taxes for which the same sold, together with all the costs accruing on such sale. Lands not redeemed under such sale shall be conveyed by special warranty, under the seal of the corporation. Such deed to be signed by the president and clerk of the corporation. Redemption of real estate.

§ 18. All lots of land or parcels of ground set apart for public purposes, (except the court house square,) or which have been or may be conveyed by the original proprietors thereof to the inhabitants of said town, in their aggregate capacity, or to the said corporation, or to any person or persons in trust for them or their use and benefit, and the said president and trustees shall have power to institute suits for the recovery of every or any such lots or parcels of land, should it be necessary, and to perfect in them, or their successors, the title thereof, or to make such other adjustment thereof as shall seem expedient and proper. City property.

§ 19. The president and trustees and other officers of the corporation shall, before entering upon the duties of their respective offices, take an oath or affirmation before some judge or justice of the peace, to support the constitution of the United States and of this state, and faithfully to discharge the duties of their several offices. Oath of office.

§ 20. The president and trustees shall have the power to levy a property and *per capita* tax for road and street purposes, as is now conferred by law upon the county court, and for this purpose their jurisdiction shall extend over persons and property within said corporation, and to all persons residing within one mile from the said corporation on the public roads leading therefrom, and it shall be the duty of said board of trustees to provide for working and to keep in repair all public highways leading from said town, for the distance of one mile from the boundaries thereof, and the inhabitants taxed or subject to taxation by said corporation for road purposes shall not be liable to other similar taxation by the county for road purposes. Property and capitation tax.

§ 21. Whenever a majority of the legal voters, being inhabitants of any addition to said town, not by this act embraced within the limits of said incorporation, shall Additions.

Alterations.

petition the said board of trustees to be incorporated in the boundaries of said town, it shall be the duty of said board to make an order, to be entered upon their minutes, that the boundaries of said incorporation be extended so as to embrace such addition, and they shall cause a certified copy of such order to be filed with the recorder of said county of Alexander, who shall transcribe the same upon the records of said county. And the said board may at any time after the expiration of two years from the passage of this act of incorporation, change and modify the boundaries of said town: *Provided*, that no order of said board making such change or alteration shall take effect until the same shall be submitted to the qualified voters of said town, at an election to be held for that purpose, and be approved by the vote of a majority of the persons voting for or against such alteration: *And provided further*, that said board shall cause a certified copy of the order making such change or alteration, after being so ratified, to be filed with the recorder of said county, who shall transcribe the same upon the record of his office.

Vote to be taken.

§ 22. For the purpose of organizing said town under the provisions of this charter, an election shall be held in said town the second Monday of August next, and the qualified voters thereof may proceed to vote for a president of said town, three trustees, a treasurer and town constable; said election shall be held at the court house in said town. John Dollman and Alexander W. Anderson shall be judges of said election. Said judges of election shall conduct the same agreeably to the provisions of this act, and the laws regulating elections in this state. And the said judges shall make return of said election, duly certified, with the poll-books, to the clerk of the county court of Alexander county the next day after such election, and said clerk, together with any two justices of the peace of said county, shall proceed to open said returns and canvass said votes; and the person having the greatest number of votes for the office of president shall be duly elected, and the three persons who shall have the highest number of votes for trustees shall be duly elected trustees for said town, and the person having the highest number of votes for treasurer shall be duly elected, and likewise the person having the highest vote for constable shall be duly elected. If two persons or more in said town shall have an equal number of votes for trustees, the said clerk and justices shall proceed to determine by lot which of said persons shall be trustee or trustees, and in like manner shall determine by lot, in case two or more persons shall receive an equal and highest number of votes for the offices of president, treasurer and constable, which of said such persons

so receiving an equal number of votes shall be entitled to such offices, respectively, to be determined as in the case of trustees. And said clerk and two justices shall make an abstract of the returns of said election, certifying under their hands, and deliver the same to the person who shall be elected president, and the said president shall thereupon notify the persons who are elected trustees and other officers of their election, and shall appoint a time and place for said trustees to meet, for the purpose of organizing said board: *Provided*, that if from any cause the said election shall not be held on the second Monday of August, as above provided, the same shall in that case be held on the second Monday of September next.

§ 23. It is further enacted, that this act shall not take effect or be in force until after the same shall first have been submitted to a vote of the legal voters residing or owning real estate within the limits of said corporation, as described in section two of this act, and decided in favor of the acceptance of this act of incorporation, by a majority of said voters voting in favor thereof. Said election shall be held at the court house in said town of Thebes on the second Monday of August next. The clerk of the circuit court of said county, together with any two justices of the peace of the Thebes precinct, in said county of Alexander, shall be the judges of said election, who shall appoint their clerk and be sworn in the same manner as is provided for the swearing of other judges and clerks of election, under the provisions of this act. The poll-books shall be opened for the reception of votes at one o'clock in the afternoon of said day and continue open until six o'clock of the same day, and within one day after closing the polls the said judges shall transmit an abstract of the vote taken, together with one of the poll-books, to the clerk of the county court of said county, who shall, together with two justices of the peace of said precinct, proceed to open and canvass said votes within three days after said returns shall be received by him, and after canvassing said votes said canvassers shall file a certificate of the result of said election, showing the number of votes for and number against accepting this act, with the clerk of the said county court, and in case a majority of the votes cast at said election shall be in favor of accepting this act, then this act shall take effect from and after filing the said canvassers' certificate. Notice for the time and place of said election shall be given by the clerk of the county court of said county, by posting printed or written notices in at least three of the most public places in said town, at least ten days previous to the day of election.

When this act to
take effect.

§ 24. It shall be the duty of the president, trustees and all other officers of said corporation, to arrest all idlers, idlers and loafers.

loafers, &c., and have them prosecuted under the 138th section of the criminal jurisprudence, of the statutes of Illinois.

APPROVED June 23, 1852.

In force June 23, 1852. AN ACT to amend the revenue laws, and provide for the collection of the state taxes in the city of Quincy.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That hereafter, it shall be the duty of the county treasurer of Adams county to assess the property, real and personal, taxable within the limits of the city of Quincy for state purposes, and in the discharge of such duty he shall be governed by and conform to the requirements of the general revenue laws of this state.

County treasurer to assess property in Quincy. § 2. The treasurer aforesaid shall qualify as assessor, make the assessment and the return thereof in like manner as assessors in counties not adopting the act entitled "an act to provide for township organization" are required to do, and shall receive like compensation for his services as such assessor, to be paid by the county of Adams, in the same manner that the county treasurers of other counties are paid for such services. The first and second sections of this act shall apply to the assessment for the year A. D. one thousand eight hundred and fifty-three, and subsequent years.

Manner of assessment. § 3. The sheriff of Adams county shall be *ex officio* collector, and as such collector shall collect the taxes for state purposes within the limits of the city of Quincy, for the year one thousand eight hundred and fifty-two, and subsequent years. Said collector shall qualify, give bond, and perform the duties required by this act, be subject to the same liabilities and penalties, and receive like compensation as collectors acting under the general revenue laws of this state in counties not adopting the township organization law: *Provided*, that if the city marshal of the said city of Quincy neglects or refuses to give bond and collect the tax for the year 1851, as now required by law, then and in that case it shall be the duty of the sheriff of the said county of Adams, when required so to do by the auditor of public accounts, to qualify as collector, and collect and pay over said taxes.

Application of sec. 1 and 2. § 4. For the purposes of assessing the property and collecting the taxes for state purposes within the limits of the city of Quincy, the several acts relating to the revenue,

Collector *ex officio*.

Proviso.

Act in force.

except the "act to provide for township organization" now in force, or which may hereafter be passed, shall be and have the same force and effect, for the purposes aforesaid, as they would have had if the "act to provide for township organization" had never been adopted in the county of Adams, anything in said act to the contrary notwithstanding.

§ 5. If the treasurer and sheriff of Adams shall neglect or refuse to qualify and perform the duties required by this act, they, or either of them, so neglecting or refusing, shall be removed from office, and the vacancy caused by such removal shall be filled in like manner as in other similar cases under the revenue laws of this state.

Vacancy, how created.

§ 6. The services performed by the city assessor of the city of Quincy, and the clerk of the county court, under "an act to provide for the assessment of property in the city of Quincy for state taxes, and for the collection of taxes therein, for the year one thousand eight hundred and fifty, and for subsequent years, and for exempting the city of Quincy from the operation of the law authorizing township organization," approved February fifteenth, eighteen hundred and fifty-one, shall be paid for by the county of Adams, in the same manner as county assessors and county clerks are paid for similar services.

Services of city collector, how paid for.

§ 7. The collector of taxes for the year one thousand eight hundred and fifty-one in the city of Quincy may obtain judgment on the non-resident delinquent list at the October term of the county court, and shall pay over to the state treasurer and make final settlement with the auditor for the taxes of said year on or before the first day of November next. Bonds given in pursuance of this act shall be approved by the judge of the county court, anything in the revenue laws to the contrary notwithstanding.

Judgment for delinquent taxes.

§ 8. It is hereby declared that the true intention and meaning of this act is, that the state taxes on the property taxable within the city of Quincy shall be assessed, collected and paid over in the same manner that state taxes are collected and paid over in counties that have not adopted the act to provide for township organization, and that the revenue laws of this state, except the act aforesaid, shall be and remain in full force and effect for the purpose aforesaid, and that the fees and compensation allowed for services rendered under the general revenue laws of this state shall be allowed and paid in the same manner as such fees and compensation are allowed and paid for in counties acting under the general revenue laws of this state.

Declaration of intention.

§ 9. If the city marshal of the said city of Quincy shall have executed bond for the collection of the taxes for the year one thousand eight hundred and fifty-one, at any time

City marshal and sureties to file acceptance.

prior to the passage of this act, he and his securities shall file with the clerk of the county court of Adams county their written acceptance of the provisions of this act, which shall make them, and each of them, as fully bound for the payment of said bond as they would have been had such bond been executed after the passage of this act.

Annual payment
to Adams coun-
ty.

§ 10. The city council of the city of Quincy shall pay on the first Monday of September next, and annually thereafter, to the county of Adams, the sum of three hundred dollars, for the purpose of reimbursing said county the moneys advanced by her under the provisions of this act, and on account of court expenses, &c.

§ 11. This act to take effect and be in force from and after its passage.

APPROVED June 23, 1852.

In force June 23, 1852. AN ACT to establish a ferry across the Illinois river near its junction with the Mississippi river.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That La Fayette McCrillis is hereby authorized to establish a ferry across the Illinois river near its mouth, on the south side of the river, in Calhoun county, on any part of section one or two, from any land belonging to said McCrillis, to the opposite side of the river in the county of Jersey at and opposite said places, and to charge rates of ferriage heretofore allowed on said ferry.*

Right granted to
establish ferry.

Location of ferry.

Embankments,
&c.

§ 2. Said McCrillis, his heirs and assigns, shall have the right to make all of the necessary embankments and other improvements that he or they may deem necessary to ensure the safety and convenience of persons and property crossing said ferry, which improvements may be erected in any public road leading to said river, or upon the land of said McCrillis upon which no road may pass, and with the same object the said McCrillis may make new roads, and repair the present roads leading to and from the said ferry, and the said McCrillis shall pay upon such ferry such taxes as may be fixed by the county courts of the counties of Jersey and Calhoun.

Roads.

Provisions of Re-
vised Statutes
adopted.

§ 3. *Be it further enacted, That section three, four, five, eight, nine, eleven, twelve, and sixteen of chapter forty-two of the Revised Statutes of eighteen hundred and forty-five, in relation to toll-bridges and ferries, are here referred to and made a part of this act, so far as said sec-*

tions are applicable to ferries. This act is declared to be a public act, and shall take effect and be in force from and after its passage.

APPROVED June 23, 1852.

AN ACT changing the times of holding courts in the sixth judicial district. In force June 23, 1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the circuit courts of the several counties composing the sixth* Time of courts. *judicial circuit, shall be holden at the county seats of the respective counties at the times following, to wit: In the county of Ogle, on the third Monday in March and the first Monday in September; in the county of Lee, on the first* Lee. *Monday in April and the third Monday in September; in the county of Whiteside, on the second Monday in April* Whiteside. *and the fourth Monday in September; in the county of Carroll, on the fourth Monday in April and the second Monday* Carroll. *in October; in the county of Henry, on the first Monday in* Henry. *May and the fourth Monday in October; in the county of Rock Island, on the second Monday in May and the first* Rock Island. *Monday in November, in each and every year.*

§ 2. That all writs, process, and other proceedings Return of writs, &c. made or to be made returnable in the circuit courts of the said several counties, on the several days now fixed by law for the commencement of the terms of said court, shall be regarded and held as returnable to the terms of the said court as herein established, and no such writ, process, or other proceeding shall be quashed set aside or continued because of the omission of the return day thereof, as fixed by this act.

§ 3. This act shall, upon its passage, be published in Publication of act. the paper of the public printer, and a copy thereof shall immediately thereafter be transmitted by the secretary of state to each of the clerks of said circuit courts.

§ 4. All acts and part of acts conflicting with the provisions of this act are hereby repealed. This act to take Repeal of conflicting acts. effect from and after its passage.

APPROVED June 23, 1852.

In force June 23, 1852. AN ACT to authorize the drainage of lands in the townships therein mentioned, and to construct roads therein.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Henry Smith, George W. Snow, James H. Rees, George Steel, Hart L. Stuart, Isaac Cook, and Charles V. Dyer, and their successors in office, be and they are hereby created a body corporate and politic, by the name and style of "The Cook County Drainage Commissioners," and by such name shall have succession, contract and be contracted with, sue and be sued, plead and be impleaded, without a common seal, in all courts of law and equity in this state, and be fully invested with all the powers which may be needful to carry into effect all the purposes and objects of this act.

§ 2. The said corporation is hereby authorized and empowered to survey, locate, construct, complete and alter ditches, embankments, culverts, bridges and roads, and to maintain and keep in repair any such ditches, culverts and bridges and embankments over, through and across any lands lying in townships number 37, 38, 39, and 40, in ranges 12, 13, and 14, east of the third principal meridian, in Cook county, and over, under and across any public road, railroad or plank road, which now is or may be hereafter laid out or constructed in said townships, and for such purpose shall have right of way upon, and may appropriate to the uses and purposes contemplated herein, all the lands, stone, timber, and materials of every kind for the location, construction and alteration of the said ditches, embankments, culverts, bridges and roads, and for the maintenance and repair of any such ditches, culverts and embankments; and upon filing a plat of any such road laid out by said commissioners, in the office of the clerk of the Cook county court, certified by any three of said commissioners appointed at any regular meeting to lay out such road, the same shall become a public road and subject to the laws in force in relation to public roads.

§ 3. When any such land, stone, timber, or other material cannot be procured by cession, voluntary grant, or release of the owner or owners thereof, the same may be taken and paid for, if any damages are awarded, in manner following, to wit: When any land, stone, timber or other material shall be deemed by said commissioners to be necessary for the construction, maintenance or alteration of any such ditch, embankment, bridge, culvert or road, the said commissioners, or any three of them appointed at any regular meeting of said commissioners, to lay out any such ditch, embankment or road, shall make an appraisal of damage sustained by any and all owners of any such land, stone, timber or other material so appropriated; and such

appraisal shall include all damage so sustained, less the benefit which such owner or owners will derive from the construction of any such ditch, embankment, culvert, bridge or road. Said appraisal shall describe the lands, stone, timber or other material, with reasonable certainty, and shall be filed with the clerk of the township in which such land, stone, timber or other material shall be situated.

§ 4. Any owner of land considering himself aggrieved by such appraisal, may appeal from such appraisal within twenty days after such appraisal shall be filed as aforesaid, to the circuit court of said county, by filing a copy of said appraisal with the clerk of said court, and giving notice of such appeal to the secretary of said commissioners. Such appeal shall be entered upon the common law docket of said court, and the judge of said court in term time or vacation, as he shall elect, shall hear the parties, and such witnesses as may be produced, and affirm or modify such appraisal as shall in his opinion be just and equitable: *Provided*, that no appeal shall prevent said commissioners from proceeding to construct such ditches, embankments, culverts, bridges and roads, after they shall have tendered to such party appealing the amount of damage so awarded, if any.

§ 5. The expenses of constructing, altering and maintaining any such ditches, embankments, culverts, bridges and roads, together with all costs incurred on account thereof, shall be assessed upon the lands benefitted thereby, and the said commissioners, or any three of them appointed at any regular meeting of said commissioners hereinafter provided to be held, shall make an assessment in writing, describing the lands assessed, and setting forth the amount assessed upon each tract separately, which assessment, certified by the commissioners making the same, shall be delivered over for collection to the county treasurer of Cook county, who is hereby authorized and required to collect the same, and the said assessment roll so certified as aforesaid shall be a sufficient warrant to the said treasurer to collect the same: *Provided, however*, the said commissioners are hereby authorized to collect, receive and appropriate all assessments made as provided herein, and voluntarily paid before delivering said assessment roll to said treasurer, anything herein contained to the contrary notwithstanding.

§ 6. The said assessment shall be a lien upon the lands upon which they are made until paid; and in case of refusal or neglect on the part of the owner or owners of said land to pay such assessments, the same provision is hereby made for their collection as is now provided by law for the collection of state and county taxes.

Rule of appraising drainage.

Description, &c.

Appeals from appraisal.

Trial of appeals.

Proviso.

Expenses to be assessed upon property benefitted.

Assessment, &c.

Proviso.

Assessment to be a lien.

Collection of assessments.

Meeting of com-
missioners.

§ 7. Said commissioners shall meet from time to time, as they shall appoint by vote at any regular meeting, or on the application in writing of any three of said commissioners it shall be the duty of the secretary to call a meeting of said commissioners within two weeks from the time of such application, by notice of the time and place of such meeting published for six days in some daily paper printed in said county of Cook, and said commissioners shall elect one of their number to be their secretary, whose duty it shall also be to keep records of all the proceedings of said commissioners, and files of all reports of surveys and assessments, and all other papers connected with or pertaining to the office of said commissioners, which records and files are hereby declared public records, and any number of said commissioners, together with their secretary, meeting together at the time and place of any regular meeting of said commissioners, shall constitute a quorum for the transaction of business; and in case the said commissioners hereby appointed shall be reduced to less than five in number by death, removal from the county or resignation, which shall be tendered in writing to the secretary, the judge of the circuit court of Cook county shall appoint some suitable person or persons to fill any such vacancy under five in number.

Comptroller,
County, how
paid.

Secretary,
County.

§ 8. Said commissioners shall have power to borrow money from time to time, for the purpose of carrying on and completing the work authorized to be done by this act, until assessments can be collected to pay the same. They shall also have power and are hereby authorized to appropriate from time to time, money sufficient to pay all expenses incurred by reason of any suit or proceeding against any of said commissioners, for any act done by or under any order or proceeding authorized by this act.

Repealed
by act.

§ 9. Sections 1, 2, 3, 4, 5, 7, 8, and 9, of an act entitled "an act to drain the wet lands about Chicago," approved February 17th, 1851, are hereby repealed.

This act to take effect and be in force from and after its passage.

APPROVED June 23, 1852.

In testimony whereof,
it is certified by
the voters of La
Salle.

AN ACT to charter the city of La Salle,

ARTICLE I.—Of Boundaries and General Powers.

Corporation.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the inhabitants of the town of La Salle, in the county of La*

Salle, and state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of "The City of La Salle," and by that name shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

§ 2. All that district of country embraced within the following limits, to wit, all of section (15) fifteen and so much of section (14) fourteen as lays on the west side of Little Vermilion river, in township (33) thirty-three north, and range (1) one, east of the third principal meridian; also the south half of section (10) ten, in same town and range.

§ 3. The present board of trustees of the town of La Salle shall, on the first Monday in September next, divide the said city of La Salle into two wards, as nearly equal in population as practicable, particularly describing the boundaries of each.

§ 4. Whenever any tract of land adjoining the city of La Salle shall be laid off into town lots, and duly recorded as required by law, the same shall be annexed to and form a part of the city of La Salle.

§ 5. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatever; to purchase, receive and hold property, both real and personal, in said city; to purchase, receive and hold property, both real and personal, beyond the city, for burial grounds and for other purposes, for the use of said inhabitants of said city; to sell, lease and convey or dispose of property, and to do all other things in relation thereto as natural persons.

ARTICLE II.—Of the City Council.

§ 1. There shall be a city council, to consist of a mayor and board of aldermen.

§ 2. The board of aldermen shall consist of two members from each ward, to be chosen by the qualified voters for two years.

§ 3. No person shall be an alderman unless at the time of his election he shall have resided six months within the limits of the city, and shall be at the time of his election twenty-one years of age and a citizen of the United States.

§ 4. If any alderman shall, after his election, remove from the ward for which he is elected, his office shall be hereby declared vacated.

§ 5. At the first meeting of the city council the aldermen shall be divided by lots into two classes; the seats of those of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of

the second year, so that half of the board shall be elected annually.

Qualifications of members of council. § 6. The city council shall judge of qualifications, elections and returns of their own members, and shall determine all contested elections.

Quorum. § 7. A majority of the city council shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

Rules of proceedings, &c. § 8. The city council shall have power to determine the rules of its proceedings, punish its members for disorderly conduct, and with the concurrence of two-thirds of the members elected, expel a member.

Journal, &c. § 9. The city council shall keep a journal of its proceedings and from time to time publish the same, and the yeas and nays, when demanded by any member present, shall be entered upon the journal.

Aldermen not eligible to offices created during their term. § 10. No alderman shall be appointed to any office under the authority of the city, which shall have been created or the emoluments of which shall have been increased during the time for which he shall have been elected.

Vacancies to be filled by election. § 11. All vacancies that shall occur in the board of aldermen shall be filled by election.

Oath of office. § 12. The mayor and each alderman, before entering upon the duties of their office, shall take and subscribe an oath that they will support the constitution of the United States and of this state, and that they will well and truly perform the duties of their office to the best of their skill and ability.

Tie, how to be decided. § 13. Whenever there shall be a tie in the election of aldermen, the judges of election shall certify the same to the mayor, who shall determine the same by lot, in such manner as shall be provided by ordinance.

Stated meetings of aldermen. § 14. There shall be twelve stated meetings of the city council in each year, at such times and places as may be prescribed by ordinance.

ARTICLE III.—Of the Chief Executive Officer.

Mayor and his term of office. § 1. The chief executive officer of the city shall be a mayor, who shall be elected by the qualified voters of the city, and shall hold his office for one year, and until his successor shall be elected and qualified.

Qualifications of mayor. § 2. No person shall be eligible to the office of mayor who shall not have been a resident of the city for six months next preceding his election, or who shall be under twenty-one years of age, or who shall not at the time of his election be a citizen of the United States.

§ 3. If any mayor, during the time for which he shall have been elected, remove from the city, his office shall be vacated. When office of mayor to be vacated.

§ 4. When two or more persons shall have an equal number of votes for mayor, the judges of election shall certify the same to the city council, who shall proceed to determine the same by lot, in such manner as may be provided by ordinance. Tie, how decided.

§ 5. Whenever an election of mayor shall be contested the city council shall determine the same as may be prescribed by ordinance. Contested election.

§ 6. Whenever any vacancy shall happen in the office of mayor it shall be filled by election. Vacancy to be filled by election.

ARTICLE IV.—*Of Elections.*

§ 1. On the first Monday of October next an election shall be held in each ward of said city, for one mayor for the city, two aldermen for each ward, and forever thereafter, on the first Monday of October of each year, there shall be an election held for one mayor for the city and one alderman for each ward; the first election for mayor and alderman shall be held, conducted and returns thereof made as may be provided by ordinance of the present trustees of the town of La Salle. Election of mayor.
Aldermen.
Manner of election.

§ 2. All free white male inhabitants, over the age of twenty-one years, who are entitled to vote for state officers and who shall have been actual residents of said city ninety days next preceding said election, shall be entitled to vote for city officers: *Provided*, that said voters shall give their votes for mayor and aldermen in the wards in which they shall respectively reside, and in no other, and that no vote shall be received at any of said elections unless the person offering such vote shall have been an actual resident of the ward where the same is offered, at least ten days next preceding such election. Qualification of voters.
Proviso.

ARTICLE V.—*Of the Legislative Powers of the City Council.*

§ 1. The city council shall have power and authority to levy and collect taxes upon all property, real and personal, within the limits of the city, not exceeding one half of one per cent. per annum upon the assessed value thereof, and may enforce the payment of the same in any manner to be prescribed by ordinance, not repugnant to the constitution of the United States and of this state. Taxes.

§ 2. The city council shall have power to appoint a clerk, treasurer, assessor, marshal, supervisor of streets, and all such other officers as may be necessary. Officers.

City Council.

§ 3. The city council shall have power to require of all officers appointed in pursuance of this charter, bonds with penalty and security for the faithful performance of their respective duties, as may be deemed expedient, and also to require all officers appointed as aforesaid to take an oath for the faithful performance of the duties of their respective offices, before entering upon the discharge of the same; to establish, support and regulate common schools; to borrow money on the credit of the city, provided that no sum or sums of money shall be borrowed at a greater interest than at ten per cent. per annum, nor shall the interest on the aggregate of all the sums borrowed and outstanding ever exceed one half of the city revenue arising from taxes assessed on real property within the limits of the corporation.

Debt.

§ 4. To appropriate money and provide for the payment of the debts and expenses of the city.

Contagious diseases.

§ 5. To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and enforce the same within five miles of the city.

Hospitals.

§ 6. To establish hospitals and make regulations for the government of the same.

Health.

Nuisances.

§ 7. To make regulations to secure the general health of the inhabitants, to declare what shall be a nuisance, and to prevent and remove the same.

Hydrants and pumps.

§ 8. To provide the city with water, to erect hydrants and pumps in the streets for the convenience of the inhabitants.

Streets, &c.

§ 9. To open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve and keep in repair streets, avenues, lanes and alleys.

Bridges.

§ 10. To establish, erect and keep in repair bridges.

Wards.

§ 11. To divide the city into wards, alter the boundaries thereof and erect additional wards, as the occasion may require.

Lights and lamp posts.

§ 12. To provide for lighting the streets and erecting lamp posts.

Night watches.

§ 13. To establish, support and regulate night watches.

Market houses.

§ 14. To erect market houses, to establish markets and market places, and provide for the government and regulation thereof.

Public buildings.

§ 15. To provide for the erection of all needful buildings for the use of the city.

Public grounds.

§ 16. To provide for enclosing, improving and regulating all public grounds belonging to the city.

Wharves and docks.

§ 17. To erect, repair and regulate public wharves and docks, to regulate the erection and repair of private wharves and the rates of wharfage thereat.

§ 18. To license, tax and regulate auctioneers, merchants, retailers, grocers, taverns, ordinaries, hawkers, peddlers, brokers, pawnbrokers and money-changers.

§ 19. To license, tax and regulate hackney carriages, wagons, carts and drays, and fix the rates to be charged for the carriage of persons, and for the wagonage, cartage and drayage of property.

§ 20. To license and regulate porters and fix the rates of portage.

§ 21. To license, tax and regulate theatrical and other exhibitions, shows and amusements.

§ 22. To tax, restrain, prohibit and suppress tippling houses, dram shops and gambling houses, and bawdy houses and other disorderly houses.

§ 23. To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.

§ 24. To regulate the fixing of chimneys, fix the fines and thereof.

§ 25. To regulate the storage of gunpowder, tar, gunpowder, pitch, rosin and other combustible materials.

§ 26. To regulate and order parapet walls and partition fences.

§ 27. To establish standard weights and measures, and regulate the weights and measures to be used in the city, in all cases not otherwise provided for by law.

§ 28. To provide for the inspection and measuring of lumber and other building materials, and for the measuring of all kinds of mechanical work.

§ 29. To provide for the inspection and weighing of hay and stone coal, the measurement of charcoal, fire wood, and other fuel to be sold or used within the city.

§ 30. To provide for and regulate the inspection of tobacco, and of beef, pork, flour, meal and whiskey in barrels.

§ 31. To regulate the inspection of butter, lard and other provisions.

§ 32. To regulate the weight, quality and price of bread to be sold and used in the city.

§ 33. To regulate the size of bricks to be sold or used in the city.

§ 34. To provide for the taking enumerations of the inhabitants of the city.

§ 35. To regulate the election of city officers, and provide for removing from office any person holding an office created by ordinance.

§ 36. To fix the compensation of all city officers, and regulate the fees of jurors, witnesses and others, for services rendered under this act or any ordinance.

§ 37. To regulate the police of the city, to impose fines and forfeitures and penalties for the breach of any ordi-

nance, and to provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties.

Billiard tables.

§ 38. The city council shall have exclusive power within the city, by ordinance, to suppress and restrain billiard tables.

Ordinances.

§ 39. The city council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinance be not repugnant to nor inconsistent with the constitution of the United States or of this state.

Style of ordinances.

§ 40. The style of the ordinances of the city shall be, "Be it ordained by the city council of the city of La Salle."

Publication of ordinances.

§ 41. All ordinances passed by the city council shall, within one month after they shall have been passed, be published in some newspaper in the county or posted up in three of the most public places in said city of La Salle, and shall not be in force until they shall have been published as aforesaid.

Proof of ordinances.

§ 42. All ordinances of the city may be proven by the seal of the corporation, and when printed and published in book or pamphlet form, and purporting to be printed and published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

Ferries.

§ 43. The city council shall have power to establish ferries, license and regulate the same, on the Illinois river opposite to said city, for the benefit of the inhabitants and the public.

ARTICLE VI.—Of the Mayor.

Mayor to preside at meetings of council.

§ 1. The mayor shall preside at all meetings of the city council, and shall have a casting vote and no other. In case of non-attendance of the mayor at any meeting, the board of aldermen shall appoint one of their own number chairman, who shall preside at that meeting.

Special meetings.

§ 2. The mayor or any two aldermen may call special meetings of the city council.

Duties of mayor.

§ 3. The mayor shall at all times be active and vigilant in enforcing the laws and ordinances for the government of the city; he shall inspect the conduct of all subordinate officers of said city, and cause negligence and positive violation of duty to be prosecuted and punished; he shall, from time to time, communicate to the aldermen such information and recommend all such measures as in his opinion may tend to the improvement of the finances, the police, the health, security, comfort and ornament of the city.

Posse.

§ 4. He is hereby authorized to call on every male inhabitant of said city, over the age of eighteen years, to aid

in enforcing the laws and ordinances, and in case of riots to call out the militia to aid him in suppressing the same, or in carrying into effect any law or ordinance, and any person who shall not obey such call shall forfeit to said city a fine not exceeding five dollars.

§ 5. He shall have power, whenever he may deem it necessary, to require of any of the officers of said city, an exhibit of his books and papers. Power to compel exhibition of books, &c.

§ 6. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act. Executive power.

§ 7. He shall be commissioned by the governor as a justice of the peace for the said city, and as such shall be a conservator of the peace for the said city, and shall have power and authority to administer oaths, issue writs and process under the seal of the city, to take depositions, the acknowledgment of deeds, mortgages and all other instruments of writing, and certify the same under the seal of the city, which shall be good and valid in law. To be commissioned as justice of the peace.

§ 8. He shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and concurrent jurisdiction with all other justices of the peace in all civil and criminal cases within the limits of the city arising from the laws of the state, and shall receive the same fees and compensation for his services in similar cases. Exclusive jurisdiction.

§ 9. He shall also have such jurisdiction as may be vested in him by ordinance of the city, in and over all places within five miles of the boundaries of the city, for the purpose of enforcing the health and quarantine ordinances and regulations thereof. Jurisdiction under ordinances.

§ 10. He shall receive for his services such salary as shall be fixed by an ordinance of the city. Salary.

§ 11. In case the mayor shall at any time be guilty of a palpable omission of duty, or shall wilfully and corruptly be guilty of oppression, maleconduct or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the circuit court of La Salle county, and on conviction he shall be fined not more than two hundred dollars, and the court shall have power, on the recommendation of the jury, to add to the judgment of the court that he be removed from office. Liability to indictment. Judgment.

ARTICLE VII.—*Of Proceedings in Special Cases.*

§ 1. When it shall be necessary to take private property for opening, widening or altering any public street, lane, avenue or alley, the corporation shall make a just compensation to the person whose property is so taken, and if the amount of such compensation cannot be agreed on the Private property, how appropriated.

mayor shall cause the same to be ascertained by a jury of six disinterested freeholders of the city.

opening, widening and altering of streets.

§ 2. When the owners of all the property on a street, lane, avenue or alley, proposed to be opened, widened or altered shall petition therefor, the city council may open, widen or alter such street, lane, avenue or alley, upon condition to be prescribed by ordinance, but no compensation shall in such case be made to those whose property shall be taken for the opening, widening or altering such street, lane, avenue or alley, nor shall there be any assessment of benefits or damages that may accrue thereby to any of the petitioners.

jurors to be sworn.

§ 3. All jurors empanelled to enquire into the amount of benefits or damages which shall happen to the owners of property proposed to be taken for opening, widening or altering any street, lane or alley, shall first be sworn to that effect, and shall return to the mayor their inquest in writing, and signed by each juror.

Rule of assessing damages.

§ 4. In ascertaining the amount of compensation for property taken for opening, or widening, or altering any street, lane, avenue or alley, the jury shall take into consideration the benefit as well as the injury happening by such opening, widening or altering such street, lane, avenue or alley.

Assessment may be set aside.

§ 5. The mayor shall have power, for good causes shown, within ten days after any inquest shall have been returned to him as aforesaid, to set the same aside, and cause a new inquest to be made.

Special taxes for street purposes.

§ 6. The city council shall have power, by ordinance, to levy and collect a special tax on the holders of lots in in any street, lane, avenue or alley, or a part of any lane, avenue or alley, according to their respective fronts owned by them, for the purpose of paving and grading the side walks and lighting said street, lane, avenue or alley.

ARTICLE VIII.—*Miscellaneous Provisions.*

Exemption from road labor out of city.

§ 1. The inhabitants of the city of La Salle are hereby exempt from working on any road beyond the limits of the city, and from paying any tax to procure laborers to work upon the same.

Street labor.

§ 2. The city council shall have power, for the purpose of keeping the streets, lanes, avenues and alleys in repair, to require every male inhabitant in said city, over twenty-one years of age, to labor on said streets, lanes, avenues and alleys, not exceeding three days in each and every year, and any person failing to perform such labor when duly notified by the supervisor, shall forfeit and pay the sum of one dollar per day for each day so neglected or refused.

§ 3. The city council shall have power to provide for the punishment of offenders, by imprisonment in the county or city jail, in all cases where such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them.

Punishment of offenders.

§ 4. The city council shall cause to be published annually a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended.

Publication of receipts and expenditures.

§ 5. All ordinances and resolutions passed by the president and trustees of the town of La Salle shall remain in force until the same shall have been repealed by the city council hereby created.

§ 6. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created shall be instituted, commenced and prosecuted in the name of the city of La Salle.

Manner of instituting and prosecuting suits.

§ 7. All actions, fines, penalties and forfeitures which have accrued to the president and trustees of the town of La Salle shall be vested in and prosecuted by the corporation hereby created.

Actions, &c., commenced by old corporation to be prosecuted by new.

§ 8. All property, real and personal, heretofore belonging to the president and trustees of the town of La Salle, for the use of the inhabitants of said town, shall be and the same are hereby declared to be vested in the corporation hereby created.

Property to vest in new corporation.

§ 9. This charter shall not invalidate any act done by the president and trustees of the town of La Salle, nor divest them of any rights which may have accrued to them prior to the passage of this act.

Acts of town trustees to remain valid.

§ 10. The president and trustees of the town of La Salle shall, immediately after the passage of this act, take measures to promulgate this law within the limits of the city of La Salle, and issue their proclamation for the election of officers, and cause the same to be published in all the newspapers of said city for two weeks in succession, prior to the day of election for said officers.

Promulgation of law.

§ 11. Appeals shall be allowed from decisions in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof, to the circuit court of La Salle county, and every such appeal shall be granted in the same manner and with like effect as appeals are taken from and granted by justices of the peace to the circuit court under the laws of this state.

Appeals.

§ 12. Whenever the mayor shall absent himself from the city, or resign, or die, or his office shall be otherwise vacated, the board of aldermen shall immediately proceed to elect one of their number president, who shall be mayor *pro tem*.

Mayor *pro tem*.

- This act to be public. § 13. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity within this state without proof.
- Acts and parts of acts repealed. § 14. All acts or parts of acts coming within the provisions of this charter, or contrary to or inconsistent with its provisions, are hereby repealed.
- Power to execute writs. § 15. The city marshal or any other officer authorized to execute writs or any other process issued by the mayor, shall have power to execute the same anywhere within the limits of the county of La Salle, and shall be entitled to the same fees for traveling as are allowed to constables in similar cases.
- Election. § 16. The president and trustees of the town of La Salle shall cause an election to be held in said town, on the first Monday of August next, at which the inhabitants residing within the territory described in the second section of the first article of this act, who are authorized to vote for state officers, shall vote for or against the adoption of this charter, and if a majority of the votes given at such election shall be in favor of the adoption of said charter said charter shall immediately take effect as a law, but if a majority of the votes given shall be against the adoption of said charter then this act to be of no effect.
- Reservation. § 17. The rights and powers of Chicago and Rock Island Railroad company to locate the line of its said road through said city, shall not be impaired by any of the provisions of this act.
- Retail of ardent spirits prohibited. § 18. No provision of this act shall be so construed as to authorize the sale of ardent spirits in a less quantity than is now provided by law.
- APPROVED June 23, 1852.

In force June 23,
1852.

AN ACT to incorporate the town of Belvidere.

- Corporation. SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Belvidere, in Boone county, are hereby constituted a body politic and corporate, to be known by the name of "The President and Trustees of the town of Belvidere," and by that name shall be known in law, and
- Style. have perpetual succession; may sue and be sued, implead and be impleaded, defend and be defended in courts of law and equity, and in all actions and matters whatsoever; may purchase, take, receive, and hold personal property and
- General powers. real estate within the limits of the incorporation, but not elsewhere, may lease, sell and convey the same, and do all

other lawful acts within the scope of this act of incorporation as natural persons may do; may have a common seal and break and alter the same at pleasure: *Provided*, no lands shall be sold by them which has been conveyed to or is held by the corporation for streets, alleys, lanes, public grounds or squares.

§ 2. That all that district of country contained in and Boundaries. known as the east half of section number twenty-six, and the west half of section number twenty-five, in township number forty-four north, of range three east, in Boone county, is hereby declared to be within the limits of the incorporation created by this act: *Provided*, the board of trustees may extend the limits of said town, but not so as at any time to include within the limits of this incorporation more than one and one-half square miles of land.

§ 3. The corporate powers and duties of said incorporation shall be vested in five trustees, who shall form a Corporate powers vested in trustees. board for the transaction of business. The first board of trustees shall be elected on the fifteenth day of July next, Elections. and thereafter shall be elected annually on the first Monday of March in each and every year, to serve for one year and until their successors are elected and qualified; they shall be citizens of the United States, twenty years of Qualifications. age, shall possess a freehold estate within the limits of the incorporation, and shall have resided therein at least one year next preceding the election. No failure to elect trustees on the day appointed shall operate as a dissolution of the corporation, but such election may be held on any subsequent day upon five days' notice given by any five legal voters of the town, or the clerk of the board of trustees, in such manner as the board of trustees shall by ordinance direct, may call such election.

§ 4. That the board of trustees shall appoint their President. president from their own body, who shall preside at the meetings of the board, and in case of absence or inability to serve of the president, the trustees present shall have power to elect a president *pro tem.* from their own number. The board shall be the judges of the qualifications, elections and returns of their own members; a majority of the trustees shall constitute a board to do business, but a Quorum. smaller number may adjourn from day to day and may compel the attendance of absent members, in such manner and under such penalties as they shall provide. The board of trustees shall determine the rules of proceeding and order of business before them, punish their members or other persons for disorderly conduct before the board while in session, and by a vote of four-fifths of the whole number elected expel a member for good cause shown, and make such other rules and regulations for their own government as to them may seem meet, proper and expedient, and in case of

death, removal from the limits of the incorporation, neglected for the space of three months together to serve, or refusal to serve, to be signified in writing to the board, of any member or members of the board. the remaining members may appoint to fill the vacancy thereby occasioned.

§ 5. That no person shall vote at any election of officers of said incorporation unless he be qualified to vote for representatives to the general assembly, and shall have resided within the limits of the incorporation for three months next preceding the election. No person shall be appointed or elected to any office under this incorporation unless he be at the time entitled to vote at elections under this act, and all such elections shall be by ballot, and the votes shall be decided by lot in the presence of the board of trustees.

Clerk and other officers.

Power of board of trustees.

§ 6. That the board of trustees shall annually, at the next regular meeting after their election, or as soon thereafter as may be, appoint a clerk of the board of trustees, a treasurer, assessor, and constable, and such other officers, from time to time, as they may deem necessary, and for such term as they shall by ordinance direct, not exceeding one year. The board of trustees shall have power to define and regulate the duties of the officers of the incorporation, in such manner and under such penalties as they shall deem proper, and to provide for their compensation, and they may provide for the election of the clerk, treasurer, assessor and constable, at the annual election of trustees, by the legal voters of said incorporation.

Oath of office and bond.

§ 7. They shall require said officers last named to take an oath of office and file the same with the clerk, and to give bond, with sufficient security, well and truly to perform the duties of their respective offices as shall be required of them by law or the ordinances of the said town from time to time, and in such penalty as the board of trustees shall direct, running to the incorporation by its corporate name.

Power to borrow money.

§ 8. The board of trustees shall have power to borrow money on the credit of the town: *Provided*, that the amount of money borrowed and the indebtedness of the incorporation on account of money loaned shall at no time exceed two thousand dollars, and at a rate of interest not exceeding ten per cent. per annum.

Note necessary to authorized corp.

§ 9. That no loan or borrowing of money, on account of said incorporation, shall at any time be made until authorized by a two-thirds vote of the legal voters of the corporation voting by ballot in favor of the same, at a special election called for that purpose, on at least thirty days' previous notice, and specifying in such notice the amount of the proposed loan, the rate of interest, and the purposes to which it is designed to apply the same, and the same shall not be diverted from such use and applied to any oth-

er, save to return the same or any part thereof to the person from whom borrowed.

§ 10. That any member of the board of trustees, knowingly voting in favor of any misapplication or wrongful conversion of the funds or personal property of the town, shall be personally liable to the town in an action on the case, for the amount so misapplied or converted, and costs.

§ 11. That the board of trustees shall also have power to make regulations to secure the general health of the inhabitants, to declare what shall be nuisance, and to prevent and remove the same; to provide the town with water and dig wells, erect hydrants and pumps in the streets, for the convenience of the public; to open, alter, induce, extend, establish, grade, plank, pave, and in any other way or manner improve and keep in repair streets, avenues, lanes, and alleys, side-walks, cross-walks, drains and sewers; to establish, erect and keep in repair bridges; to provide for the erection of all needful buildings for the use of the town: to provide for enclosing, improving and regulating all public squares or places within or belonging to the corporation, planting trees in the streets and public squares for ornament or shade, and the protection of the same; to restrain and prohibit shooting, horse racing, indecent exposure of horses, houses of ill fame, gaming and gaming houses and other disorderly houses, and to suppress the same; to provide for taxing, licensing and regulating theatrical or other shows and amusements for the admission to which money or anything is charged; to regulate and license merchants, auctions and pedlers; and should the laws of this state at any time permit the selling of liquors or ardent spirits of any kind by a less quantity than one quart, then the exclusive power to regulate and license such selling within the corporate limits; to restrain and prohibit the running at large of any horses, cattle, sheep, swine, goats or dogs within said corporation; to erect market houses; to establish markets and market places, and provide for the use, government, and regulation thereof; to fix the rates to be charged for the carriage of persons and property within the limits of said incorporation by carriages, wagons, sleighs, or drays; to provide for the preservation from and extinguishment of fires; to establish and regulate a fire department; to regulate the storage of gunpowder and all other combustible materials; to regulate the speed at which railroad locomotives and cars shall be driven, or horses rode or driven through said incorporation; to regulate the police of the town; to regulate the election of officers of the incorporation, to provide for their compensation, except that the board of trustees shall not receive any compensation for their services as such, and shall be incompetent to hold any other corporation office during the term for which they

may have been elected trustees, having accepted of such office of trustee; to provide for the inspection and weighing of hay and stone coal, the measurement of charcoal, fire wood or other fuel to be sold or used within the incorporation; to make all such ordinances from time to time, and alter, amend and repeal the same as shall be necessary to carry into effect and execution the powers specified in this act, so that the same be not inconsistent herewith nor with the laws or constitution of the United States or of this state; to impose fines, forfeitures and penalties for the breach of any ordinance of the incorporation, and to provide for the recovery and appropriation of any such fine or forfeiture, and the enforcement of any such penalty; to provide for the infliction of fines or penalties upon any officer of the incorporation neglecting or refusing to perform any duty or act required of such officer in this act to be done; to cause, from time to time, a census of the inhabitants of said town to be taken, and in their discretion to divide said town into wards, and designate the number of trustees that each ward shall be entitled to; to provide for the election of two justices of the peace from the legal voters of the incorporation biennially, at the election of the board of trustees by the legal voters of the town, who shall hold their office for the term of two years and until their successors are elected and qualified,—returns of which election shall be made by the clerk of the town, and such justices shall be commissioned by the governor, give bonds to be filed in the town clerk's office, and running to the board of trustees of the town, and in all other respects be qualified and conform to the general laws of the state providing for the election and qualification of justices of the peace, and shall have the same jurisdiction power and authority, and perform all such acts and duties as are or may be by laws of this state vested in or required of justices of the peace at and within said county of Boone. And in case of death, removal from the incorporation, incapacity or refusal to serve of any justice of the peace elected under this act, to provide for filling the vacancy by election.

Copies of ordinances to be published.

§ 12. Copies of all ordinances passed by the board of trustees shall be posted up in three of the most public places in the town, or published in a newspaper, if there be one published in the town, and shall take effect five days after such publication. It shall be the duty of the clerk to post copies of ordinances when required by this act, and shall make an affidavit before some competent officer, and file the same in his office, stating the facts of such posting, a copy of which affidavit, certified under the seal of the incorporation and hand of the clerk, shall be *prima facie* evidence of the facts therein stated, in reference to such publication, in all courts and places whatsoever. In cases

where ordinances are published in a newspaper in said town, the certificate of the printer or publisher thereof of the fact of such publication shall be *prima facie* evidence thereof.

§ 13. The regular meeting of the board of trustees shall be on the second Monday of every month, and they may provide for the holding of adjourned and special meetings. Regular meetings.

§ 14. That the board of trustees shall have power to levy annually, at the first regular meeting of the board after their election, or such other time as they may designate, and collect taxes for the incorporation upon all real estate within the term, and upon all personal property of the inhabitants of the town, not exceeding one per centum upon the assessed value thereof. In making such assessment the assessor shall be governed by the laws of this state directing the assessing of property for state and county purposes for the time being, as near as may be, and so as not to conflict with the provisions of this act. Taxes.

§ 15. The assessor, after having made his assessment roll, shall deposit the same with the clerk of the board of trustees for inspection by any and all persons interested, for the space of ten days, posting up notices in four of the most public places in said town that said roll is so left for inspection, and shall, upon the lapse of said ten days, return said roll to the clerk, stating in his return that said roll was so deposited and notices thereof posted as aforesaid. The clerk shall file and carefully preserve said roll and return in his office, and all taxes levied upon real estate are declared to be a lien on the real estate upon which they are assessed from and after such return until paid. Duty of assessor.

§ 16. It shall be the duty of the clerk of the board of trustees, within five days thereafter, to post up notices in four of the most public places in said town, and also insert such notice in a newspaper, should there be one published in said town, that at a place and on a day to be therein named, not more than two weeks from the return of said roll as aforesaid, the board of trustees will meet for the purpose of inspecting said assessment, when and where it shall be the duty of the board of trustees to meet and hear and investigate, under oath of the party complaining, to be administered by the clerk of the board, any complaints that the party complaining is charged with property not belonging to him at the time of assessment, or that his property is assessed too high, and shall in all such cases so alter and amend, or not, said roll as to them shall seem just: *Provided, however,* that if a regular meeting of the board of trustees will happen at any time within three weeks after the filing of such roll, then it shall not be necessary to have a special meet- Correction of the assessment.

ing convened as above, but the matters specified in this section may be acted upon at such regular meeting.

Warrant of collection.

§ 17. After such assessment roll shall have been before the board of trustees for its action thereon as above provided for, and after making such alterations therein as they may deem necessary under the preceding section, it shall then be the duty of the board to cause a warrant to be issued, under the seal of the incorporation, directed to the town constable, with a copy of such assessment roll attached, commanding him to proceed and collect the same within ninety days after the date thereof; and in the collection thereof the said town constable is vested with the same powers, and to be exercised in all respects in the same manner, as collectors of taxes are in and by the act to provide for township organization, so far as the same shall be applicable.

Duty of town constable.

§ 18. It shall be the duty of the town constable to pay in to the treasurer of the town all moneys collected by him, deducting his per centage from time to time, as fast as collected, and to make return on his warrant to the clerk of the board of trustees, within ten days after the return day thereof, under oath, to be thereon certified, showing—first, the amount of money collected by him; second, the taxes on personal and real estate that he cannot collect for the want of any goods and chattels within the town belonging to the persons therewith charged, out of which the same might be levied and made, stating specifically as in the warrant, and making separate return of the personal and of the real estate upon which taxes remain unpaid.

§ 19. The town constable, with his sureties, shall be liable for all taxes that by the use of due diligence he might have collected, and shall fail so to do.

Duty of town clerk.

§ 20. It shall be the duty of the town clerk to file in the office of the clerk of the circuit court of said Boone county a copy, certified under the corporate seal of the incorporation, of the return of the town constable, showing the real estate upon which taxes remain unpaid, at least five days before the first day of the next term of said court which shall be holden after the return of said warrant, and filing the same in his office, and shall cause a notice of an application to be made to the said circuit court for an order to sell the same for non-payment of said taxes and costs; and the time and place of such sale under such order to be published in the same manner as required by law for the time being for sale of real estate for non-payment of state and county taxes, and the circuit court shall thereupon proceed to dispose of the matter in the manner and as required by said laws.

Sales.

§ 21. The town constable shall make the sale under the order of the court provided for in the above section,

and the town clerk shall keep a record of such sale, file the same in his office, in a book to be provided for that purpose, issue certificates to the purchasers thereof, and said officers shall in all things in and about said sale comply, as near as may be, with the provisions of the laws for the time being, directing sales of lands for non-payment of state and county taxes.

§ 22. When any real estate in said town shall be sold as is herein provided for non-payment of taxes, the same shall be subject to redemption by any person interested therein, within two years after the same shall have been sold, on paying to the clerk of the incorporation double the amount for which the same may have been sold, and all taxes assessed for corporation purposes, which may have been paid by the purchaser at such sale since such sale, with legal interest thereon from the time of such payment to the time of such redemption, and thereupon the clerk of the board of trustees shall make out to the person so redeeming a certificate, under his hand and the seal of the incorporation, specifying the lands redeemed, the time of redemption, the moneys paid and by whom, which shall be *prima facie* evidence in all courts whatsoever of the facts therein stated. The clerk shall pay such moneys to the treasurer of the town, taking and filing his receipt therefor, and the treasurer shall deposit the same in the town treasury for the use of the purchaser at such sale, to be paid out to him or his assigns on demand therefor and receipt given. Redemption.

§ 23. Taxes and all costs made thereon may be paid at any time to the town constable before the sale of the land for non-payment thereof. Taxes and costs may be paid before sale.

§ 24. In case any real estate sold under the provisions of this act shall be and remain unredeemed as above provided, at the expiration of two years from the date of such sale, a deed shall be made out and signed by the president, and countersigned by the clerk of the board of trustees, under the seal of the incorporation, and duly acknowledged by said officers, conveying the land to the purchaser or his assigns, his or their heirs and assigns, upon proof of such notice to the owner of the land as is required by the constitution and laws of this state, of the sale of land for non-payment of taxes. Taxes due.

§ 25. Lands situated in said incorporation shall not be liable to be assessed for road taxes, under the general laws of the state on that subject. Exemption.

§ 26. Officers acting under this act of incorporation in the sale of lands for non-payment of taxes, and in all proceedings precedent and consequent to the order to sell the same, shall be entitled to the same fees as shall be allowed by law for similar services under the revenue laws of this state, and the same shall be a charge upon land

taxed and included in the order of the court directing such sale, as is provided in said laws.

§ 27. Private property shall not be taken for the opening, widening or altering any public street, lane, avenue or alley, unless upon petition signed by thirty legal voters of said town, and notice given by publication in a newspaper, or by posting up notices in four public places, of the time and place of the presentation thereof 'o the board of trustees, who shall proceed to hear and determine the matter at such time, or adjourn the matter to such time as by them shall be thought proper.

Proceeding to ap-
propriate pri-
vate property.

§ 28. When it shall be necessary to take private property for opening, widening or altering any public street, lane, avenue or alley, the corporation shall make just compensation to the person whose property is so taken, and if the amount of such compensation cannot be agreed upon, the board of trustees of said town shall select by ballot five commissioners, legal voters of said corporation, and not directly interested in the question, who shall proceed, having been first duly sworn to make such assessment fairly and according to law, to examine the premises and hear all parties interested in the matter who may appear before them, and the award of any three of them in the premises shall be final. They or any three of them shall make out their award in writing, and return the same to the board of trustees under their hands and seals, with a certificate of the oath by them taken; and in case of inability to agree upon any award, they shall be discharged by the board and other commissioners selected in their place. They shall also assess upon the property in the town by them deemed benefitted by opening, widening or altering such street, avenue, lane or alley, the damages by them assessed therefor in rateable proportion, and report the same with their assessment, and the board of trustees shall issue their warrant for the collection of the same against the owners of the land so reported to be benefitted to the town constable, and the same is hereby declared to be a special tax, and a lien on the land so reported to be benefitted thereby, and may be collected in same manner as other incorporation taxes are.

§ 29. Should the owner of any land upon which any special tax is assessed under this act be unknown, he may be so described in all proceedings to assess and collect the same.

§ 30. In ascertaining the amount of the compensation to be allowed to the owner for his property taken for opening, widening or altering any street, lane, avenue or alley, the commissioners shall take into consideration the benefit as well as the injury happening by such opening, widening

or altering such street, lane, avenue or alley, and if the benefits exceed the injury shall so report.

§ 31. When all the owners of all the property through which it is proposed to open, alter, extend or widen any street, lane, avenue or alley shall join in petition for the same, no damages shall be allowed to any of them in consequence of complying with their petition. Opening and alteration of streets.

§ 32. The board of trustees may, for good cause shown, and application filed in the office of the clerk of the board within ten days after the return of the award of the commissioners appointed under this act, open and set the same aside and cause another assessment to be made by the same or other commissioners. Awards when set aside.

§ 33. The board of trustees shall have power to provide by ordinance for the assessing, levying and collecting a special tax on the owners of lots in any street, lane, avenue or alley, or part or parts thereof, according to the respective fronts owned by them thereon, for the purpose of paving, grading, planking and making, in such manner as the board shall direct, side walks and cross walks in such street, lane, avenue or alley, or part or parts thereof; which tax is hereby declared to be a lien on the land in reference to which it is assessed until paid, and to be a special tax to be collected as other incorporation taxes are. Special taxes.

§ 34. The owners of lots shall be allowed a reasonable time, to be ascertained by ordinance, within which to make or repair such side walk or cross walk, under the direction of the board of trustees, in front of the lots owned by them, and in case of failure to make and repair the same within such time, the board of trustees are authorized to cause such making or repairing to be done, and assess and collect the necessary expenses thereof, in manner herein provided. Time to be allowed for construction & repair of walks.

§ 35. All special taxes remaining unpaid shall be returned by the town constable in the manner hereinbefore stated as to general taxes, and shall be annually reported to the circuit court at the same time, and in all respects the proceedings to procure a sale of the land for non-payment thereof shall be conducted in the same manner that is herein provided to procure a sale of real estate for general taxes remaining unpaid and subject to sale and redemption in same manner. Collection of special taxes when enforced.

§ 36. The inhabitants of the said incorporation are hereby exempted from working poll tax for road labor otherwise than under the provisions of this act. The board of trustees to aid them in keeping bridges, streets, lanes, avenues and alleys in repair in said town, shall have power to require every male inhabitant residing within the limits of the incorporation, over twenty-one years of age and not incapacitated by sickness or other infirmity from manual labor, to labor on said streets, bridges, lanes, avenues or alleys, not exceeding three days in each and every year; and Exemption from poll-tax. Road labor.

any person failing to perform such labor according to the ordinances of the town in that behalf from time to time enacted, shall forfeit and pay such fine as the board of trustees shall direct; provided the board of trustees may provide for the commutation of such labor.

Exclusive jurisdiction.

§ 37. The board of trustees shall have exclusive jurisdiction and control over all bridges, streets, avenues, lanes, and alleys and public highways at and within the incorporation, and the opening, repairing and making the same. And when it shall be necessary to build a bridge across the Kishwaukie river in said town on State street, the incorporation shall bear one half of the expense, and the county of Boone the other: *Provided*, the town shall have the exclusive control and management in building said bridge: *And provided further*, that the expense thereof shall not exceed two thousand dollars, and all sums expended beyond that amount shall be borne by the town alone.

Imprisonment of offenders.

§ 38. The board of trustees shall have power to provide for the punishment of offenders, by imprisonment in the county jail, in all cases where such offenders shall fail or refuse to pay any fine or forfeiture recovered against them, for breach of any ordinance of the town: *Provided*, such imprisonment shall not be of longer duration than in the proportion of twenty-four hours imprisonment for every three dollars of the fine and costs.

Incorporation attorney.

§ 39. Should the board of trustees appoint an attorney at law to attend to the prosecution of suits, for the breach of ordinances of the town, then it shall be in their discretion to provide for the taxation and recovery, as other costs in the cause, of a fee of two dollars and fifty cents, to be paid to such attorney in cases where the accused is convicted of the offence charged: *Provided*, that the compensation of attorney or counsellors at law, for services performed for and to be charged to the incorporation, shall not be affected by this section.

Jurisdiction of justices.

§ 40. Justices of the peace and constables of the county of Boone, residing within the limits of said corporation, shall have jurisdiction of all suits and processes brought and issued to recover any fine or enforce any penalty for breach of any ordinance of said corporation; such suits to be carried on and judgments recovered therein, and the same collected in the same manner as is provided by the general laws of the state, saving in all cases the right of trial by jury to either party demanding the same.

Limit of fines.

§ 41. No fine for breach of any ordinance of said town shall exceed fifty dollars, nor imprisonment for like offence twenty days.

Writs to be prosecuted in name of town.

§ 42. All actions for fines, penalties and forfeitures accruing for the breach of any ordinance of said town, shall be instituted and prosecuted in the name of "the president

and board of trustees of the town of Belvidere," upon complaint of any person before any justice of the peace residing in said town, by action of debt. The ordinary process shall be by summons, but in cases where the party complaining shall state under oath that he has good reason to believe the party accused to have committed a breach of an ordinance of the incorporation, and that he believes the party accused is about to abscond or depart without the limits of the incorporation, or has so absconded or departed, then the justice of the peace may issue his warrant to bring the party accused forthwith before him, to answer such complaint. The party accused shall remain in the custody of the officer until the suit is disposed of, and the fine and costs, if any imposed upon him, paid or otherwise discharged according to law, unless he shall enter into a recognizance with good security, before final judgment in the cause, before the justice of the peace or officer to the incorporation, in double the amount of the penalty that may be inflicted upon him, conditioned that he will pay the judgment and costs that may be rendered in the suit against him; and in default of such bail, the officer may commit the party accused to the common jail of the county for safe keeping while the cause is not being heard. The justice of the peace shall grant but one continuance on the application of the plaintiff in the suit in cases where the accused is under arrest. The recognizance shall be filed in the office of the justice, and in case of forfeiture shall be transmitted by him to the clerk of the board of trustees.

§ 43. Appeals and writs of *certiorari* shall be allowed in all cases both on the part of the corporation and the defendant, in all suits brought to recover any fine, penalty or forfeiture for the breach of any ordinance of said town, from the judgment of the justice of the peace to the circuit court of the county, to be taken and granted in same manner and like effect as appeals and writs of *certiorari* from justices of the peace in other cases. Appeals.

§ 44. The town constable shall have the same general jurisdiction and authority within the county of Boone that constables have under the general laws of the state, and shall be subject to the same liabilities, and shall have exclusive authority to collect all general and special taxes levied by said incorporation. Jurisdiction of town constable.

§ 45. All property, real and personal, heretofore belonging to the president and board of trustees of the town of Belvidere, (an incorporation organized in the year — and dissolved in the year —, under the general laws of the state,) for the use of the inhabitants of the same, shall be and are hereby declared to be invested in the incorporation hereby created, and the persons holding office in said dissolved incorporation at the time of its dissolution Property to vest in new corporation.

shall render an account thereof to the incorporation hereby created.

Money, how ap-
propriated.

§ 46. No money shall be paid out of the treasury of said incorporation save upon resolution of the board of trustees, specifying to whom and on what account the same is paid, and an order made by the clerk, signed by the president and countersigned by the clerk, drawn in pursuance of such resolution. All taxes of said town shall be collected in gold and silver, and the orders on the treasurer aforesaid, and all moneys belonging to the town shall be deposited and remain with the treasurer, until drawn out in the manner above provided.

Statement of fis-
cal affairs.

§ 47. The board of trustees annually, at least two weeks prior to any general election for officers under this act, shall make out and enter upon their records a full and complete statement of the fiscal affairs of the incorporation, showing item by item all moneys received, from whom and on what account; also all moneys expended and paid out, and to whom and on what account, and the then indebtedness of the incorporation and on what account, the amount of orders on the treasury then outstanding, to whom payable and on what account; a copy of which shall be published in a newspaper in said town at least one week prior to such election, and if none published then posted up in some public place one week prior to such election; and for wilful neglect or refusal on the part of said board of trustees, or any member thereof, to cause such statement to be made as herein provided, he or they shall be liable to indictment in the circuit court, and on conviction fined in any sum not exceeding one hundred dollars.

Members of fire
department.

§ 48. All persons, members of any fire company organized under the ordinances of said incorporation, shall, during the time that he shall be such member, be excused from serving in the militia, unless in cases of actual invasion or insurrection, and from sitting on juries, and after serving seven years as such fireman, consecutively, and receiving a certificate to that effect, under the seal of the corporation, shall thereafter continue to be so exempt.

Witnesses and ju-
rors.

§ 49. No person shall be disqualified as a witness or juror in any suit or proceeding wherein the incorporation may be a party, or interested in consequence of being an inhabitant of said town, or member or officer of the incorporation.

First election of
trustees.

§ 50. The first election of trustees shall be held at the court house in Belvidere, and shall be opened at nine o'clock in the morning and continue open until five o'clock in the afternoon of the same day. The electors present at the opening of the polls shall elect two of their number to officiate as judges and one to act as clerk, who shall be sworn and in all things shall conduct such election as is re-

quired by the general election laws of this state, shall canvass the votes and make certificates under their hands and seals of the persons elected, and deliver the same to them, and make returns of the poll-book and certificate attached to the clerk of the board of trustees, when he shall be appointed and enter upon the duties of his office.

§ 51. This act is hereby declared to be a public act and may be read in evidence in all courts of law and equity as such, and all acts and parts of acts contrary to or inconsistent with this act are hereby repealed, so far as the same conflict herewith. This act shall take effect and be in force from and after its passage.

Public act.

Repugnant acts repealed.

[§ 52.] The board of trustees shall not have power to cause a tax for general purposes to be assessed higher than one half of one per cent. upon the assessed value of property, without first submitting the same to the legal voters in the incorporation, and a majority of them voting in favor thereof, and they shall provide by ordinance for submitting such question to the voters, stating therein the amount per cent. proposed to be assessed.

Limit of taxes.

[§ 53.] In case all the trustees of said town should resign their office, or if for any other cause they shall be unable to act, then the clerk shall forthwith give one week's notice of the time and place of an election of a board of trustees to fill the vacancy. The removal of any town officer from the limits of the incorporation shall cause his office to be deemed vacant, but he may act until his successor is elected or appointed and qualified.

Vacancies. how filled.

[§ 54.] And be it further enacted, that one week prior to the day herein appointed for the election of the first board of trustees, an election shall be held at the place and in the manner prescribed herein for the election of such trustees, by the legal voters of said district of country who would be entitled to vote at election of trustees, to vote for and against this act of incorporation, and if a majority shall vote in favor of it then the corporate rights, franchises and powers granted by this act shall go into effect, if against it then the same shall go into effect whenever, at any subsequent election, called by five legal voters of said town on one week's notice, posted up in four public places in said town, a majority shall vote in its favor. Voting at such election shall be by ballot, to be written or printed, "For incorporation," or "Against incorporation." Returns of all such elections shall be made to the county clerk of Boone county, to be filed in his office, and whenever the town shall become incorporated by any such election, then to be by him deposited in the office of the clerk of the board of trustees, when he shall be qualified.

Vote on this act to be taken.

[§ 55.] The return of the judges of the election of the result of the election in favor of incorporation shall be entered

upon the records of the incorporation, and a copy, certified under the seal of the incorporation and hand of the clerk, from the original or from the recorded copy, shall be evidence *prima facie* of the acceptance of this act of incorporation, in all courts and places whatever. In case this act shall be adopted after the fifteenth day of July next, an election of trustees may be had as provided in the third section of this act.

APPROVED June 23, 1852.

in force June 23, 1852. AN ACT declaring a state road therein described, leading from the town of Payson, in Adams county, to the city of Quincy.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That a state road be and is hereby declared, marked and located, leading from Payson *via* the North Fork of Mill Creek, to Quincy, Adams county, as follows, to wit: beginning at the centre of Fulton street, a point from which the wind mill bs, 73° E, 8.83 ch, (the bearing taken from the ornamental ball at the top of the mill, the compass being adjusted at 8° ba E;) thence (1st station) W. 1.21 ch; thence (2d station) N. 49° $53'$ W., 42.50 ch to the lane lying between Fells' and Brown's land, (of this distance 8.12 ch run through P. Thompson's, and the balance 34.38 ch through H. Brown's premises;) thence 3d, N. 61° $20'$ W., 26.57 ch, to the west side of Fells' land; thence 4th, N. 49° W, 223.00 ch to a point 2 links E. of a hickory tree, 22 in. di., near Waddel's barn, (of this distance through F. Donley's land, 38.32 ch, Scott's, 8.89 ch, Bennington's, 61 ch, lost land, 2.75 ch, Westfall, 27.31 ch, S. Thompson, 46.50 ch, M. Cox's, 7.69 ch, Hanks', 15.70 ch, Wm. Gooding's, 5.98 ch, Griggs', 14.16 ch, Dolty's, 26.63 ch, Waddel's, 5.62 ch;) thence 5th, N. $21\frac{1}{4}^{\circ}$ 26.50 ch; at this point a pin oak, 12 in. di., bs. S. 53° W., 53 links; thence 6th, N. $28\frac{1}{2}^{\circ}$ W., 21.22 ch, a hickory, 12 in. di.; thence 7th, N. 21° W., 13.50 ch; thence 8th, N. 68° W., 6.50 ch; 9th, N. 82° W., 11.30 ch; thence 10th, N. 51° W., 11.53 ch; 11th, N. $55\frac{1}{2}^{\circ}$ W., 6 50 ch, a red oak, 20 in. di., to N. 74° E., 83 links; thence 12th, N. 2° W., 2.75 ch; thence 13th, N. $12\frac{1}{2}^{\circ}$ W., 19.88 ch; thence 14th, N. 70° W., 18 ch; at this point a W. oak, 18 in. di., bs N. $44\frac{1}{2}^{\circ}$ E., 142 links, thence 15th, N. 57° $55'$ W., 4.60 ch; thence 16th, N. $88\frac{3}{4}^{\circ}$ W., 11.65 ch, an elm tree, 6 in. di., bs S. $48\frac{1}{2}^{\circ}$ E., 73 links; thence S. 65° $12'$ W., 40.85 ch, to the North Fork of Mill Creek, a birch, 15 in. di., bs 60° $20'$ E., 76 L., and a locust 18 in. di., bs S. $33\frac{3}{4}^{\circ}$ W., 97 L. dis.; this point lies north 2.04 ch of a point from which the N. W. corner of the S. E. qr of the S. E. qr of section twenty-one (21)

township 2 south, range No. eight (8) west, of the 4th pr. meridian, bears N. 5.72 ch, the same being represented in the surveyor's plat and survey.

§ 2. This act to take effect from and after its passage.

APPROVED June 23, 1852.

AN ACT to change the name and legalize the acts of the First Congrega- In force June 23, 1852.
tional Society of Joliet.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the name of the First Congregational Society of Joliet, in Will county, be and the same is hereby changed to "The First Congregational Society of Joliet." Name changed.

§ 2. Said society shall not be deemed to have waived or forfeited any of its rights, privileges, powers or franchises, by reason of a failure to file for record in the recorder's office any certificate or certificates of the election of trustees heretofore made, but such society shall have and retain all such rights, privileges, powers and franchises in the same manner as though such certificate had been regularly filed for record, and the persons now acting as the trustees of said society, under elections heretofore had, shall be considered as the legal trustees thereof until their successors shall be elected. Organization legalized and rights confirmed.

§ 3. This act to be in force from and after its passage.

APPROVED June 23, 1852.

AN ACT to incorporate the Campton Cemetery Association.

In force June 23, 1852.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Numan L. Barber, Eli Barber, James Huls and Timothy P. Garfield, and their associates and successors, in the town of Campton, in the county of Kane, be and they are hereby constituted a body corporate and politic, by the name and style of "The Campton Cemetery Association," and by that name have perpetual succession, and shall have, possess and be invested with all powers, rights, privileges, liabilities and immunities incident to a corporate body. Corporators.

§ 2. Said association shall have power to own and possess real estate, not exceeding five acres, which shall be exempted from taxation. General powers. Power to own real estate.

Object of corporation.

§ 3. The object of said association shall be exclusively and solely to lay out, enclose and ornament a piece of ground, not exceeding five acres as aforesaid, to be used as a place of burial for the dead.

Power to lay out and sell lots.

§ 4. Said association shall have power to lay out such burial place into lots suitable for family burial departments, and sell the same, the purchasers of which shall use the said lot or lots as herein contemplated and for no other use whatever.

Appropriation of proceeds of sale.

§ 5. The proceeds of such sale, after deducting the expenses of purchasing the land and laying out the lots, shall be appropriated and used in improving and ornamenting the burial ground, or in other objects connected with this incorporation.

Officers of corporation.

§ 6. The officers of this association shall be a president, a treasurer, who shall also act as secretary, and a superintendent, who shall be chosen annually by ballot, and shall hold office until their successors are chosen, and any neglect to choose officers on the day fixed on in the notice for an election shall not operate as a forfeiture of this act of incorporation. The president, secretary and superintendent shall constitute a board for the transaction of the financial concerns of the association and the execution of its by-laws.

Qualifications for voters.

§ 7. Every person holding one or more lots shall be a member, and shall be entitled to one vote only. Absent members may vote by proxy.

Rights of property, how vested.

§ 8. The rights of property to any lot or lots which may be purchased, shall be vested by a certificate of stock, describing the lot or lots by number, signed by the president and countersigned by the secretary, and every certificate of sale or transfer shall be recorded by the secretary in a book to be kept for that purpose.

Meetings.

§ 9. It shall be the duty of the secretary, on the request of the president or superintendent, or of any four members of the association joining in the request, to call a meeting of the association, for the choice of officers or for the transaction of any business which this act authorizes, by giving ten days' public notice.

By-laws, &c.

§ 10. The said corporation shall have power to establish and change by-laws and regulations for their government, the direction of their officers and the management of its property and affairs, not inconsistent with the laws of this state or the United States.

Individual liability.

§ 11. The private property of the members shall be liable for all debts created by said corporation.

This act to be in force from and after its passage.

APPROVED June 23, 1852.

JOINT RESOLUTION.

A JOINT RESOLUTION concerning the homestead bill.

Whereas a bill is now pending before congress, denominated the "Homestead Bill," proposing to donate the quantity of one hundred and sixty acres of the public lands to real actual settlers; therefore,

Resolved by the House of Representatives, the Senate concurring herein. That our senators in congress be instructed, and our representatives be requested, to use all honorable exertions to procure the passage of said bill, or some bill similar in its provisions.

Resolved, That his excellency, the governor of this state, be requested to forward to each of our senators and representatives in congress a copy of the foregoing preamble and resolutions.

DEPARTMENT OF STATE,

Springfield, Illinois, September 4, 1852.

I, DAVID L. GREGG, Secretary of State of the said state of Illinois, do hereby certify that the foregoing acts (except the words printed in brackets, thus [], which are inserted for the purpose of correction and explanation,) are true copies of the enrolled laws and joint resolution passed by the seventeenth general assembly of said state, at the second session thereof, and now on file in my office.

DAVID L. GREGG,
Secretary of State.

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